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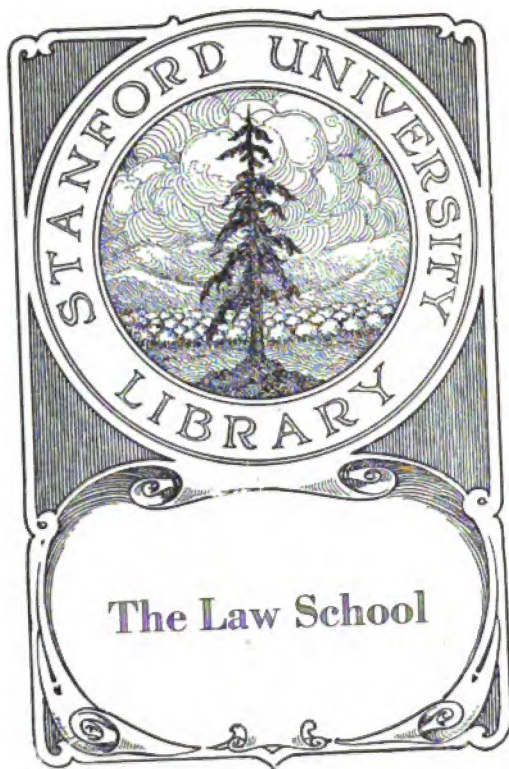
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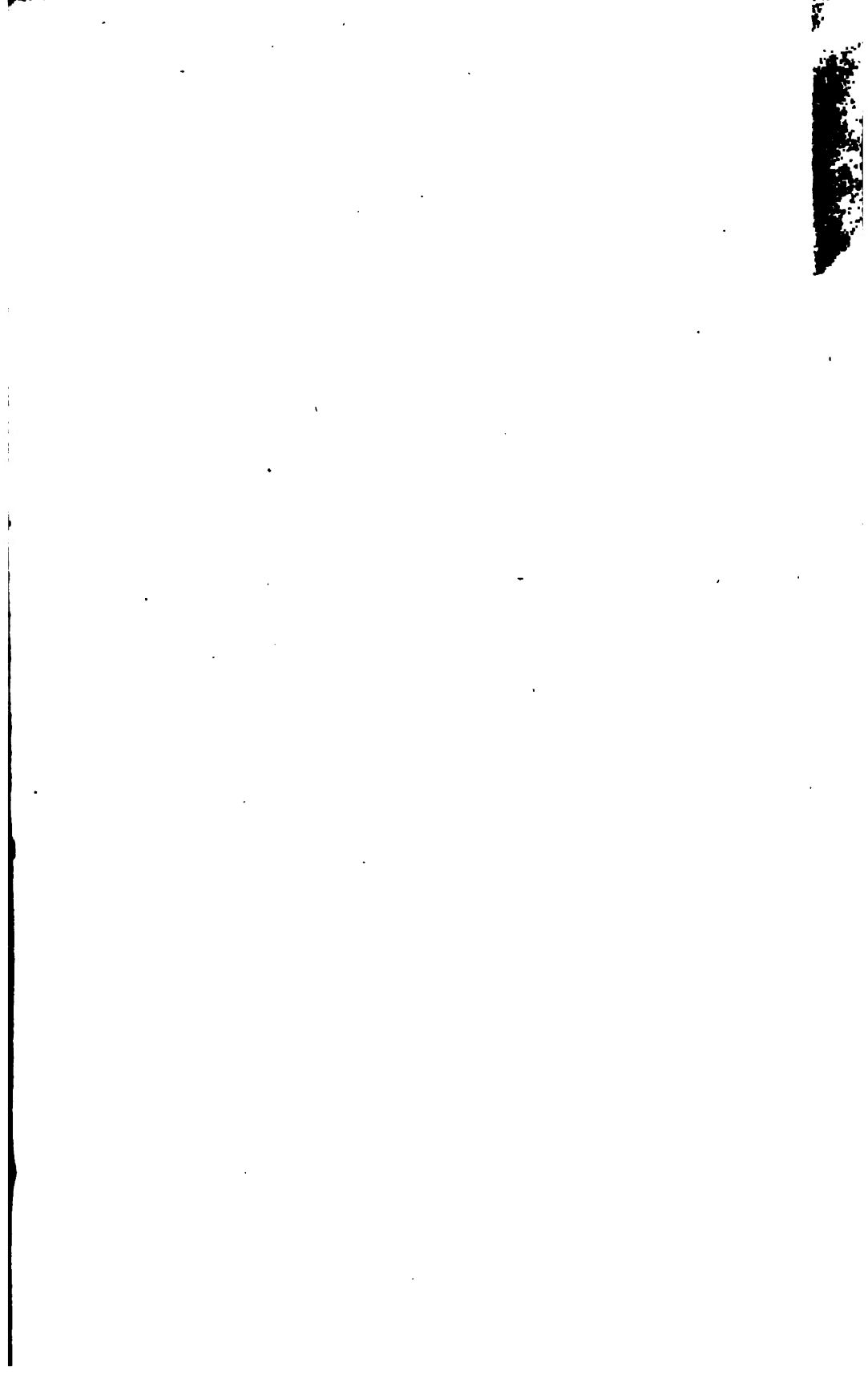
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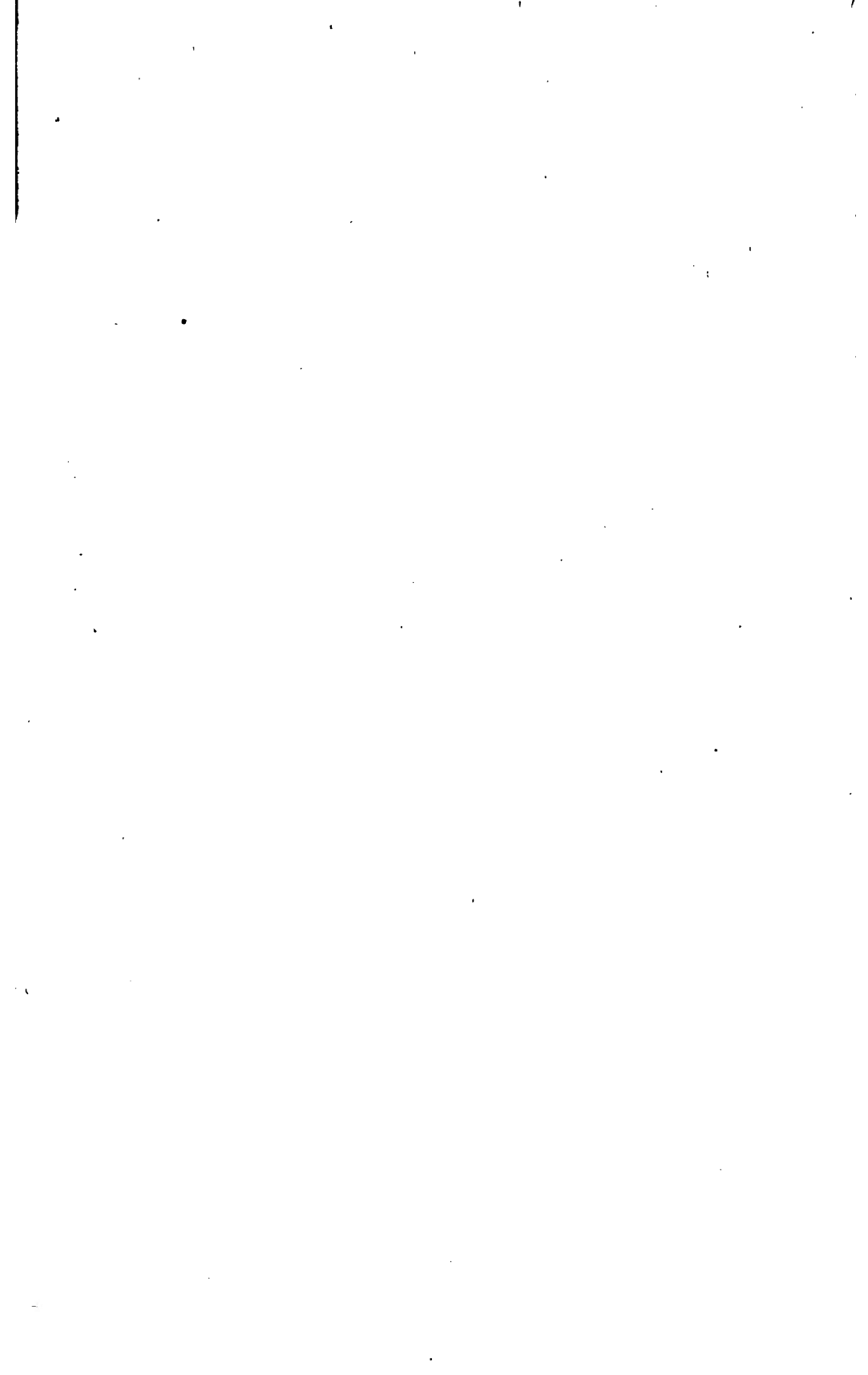
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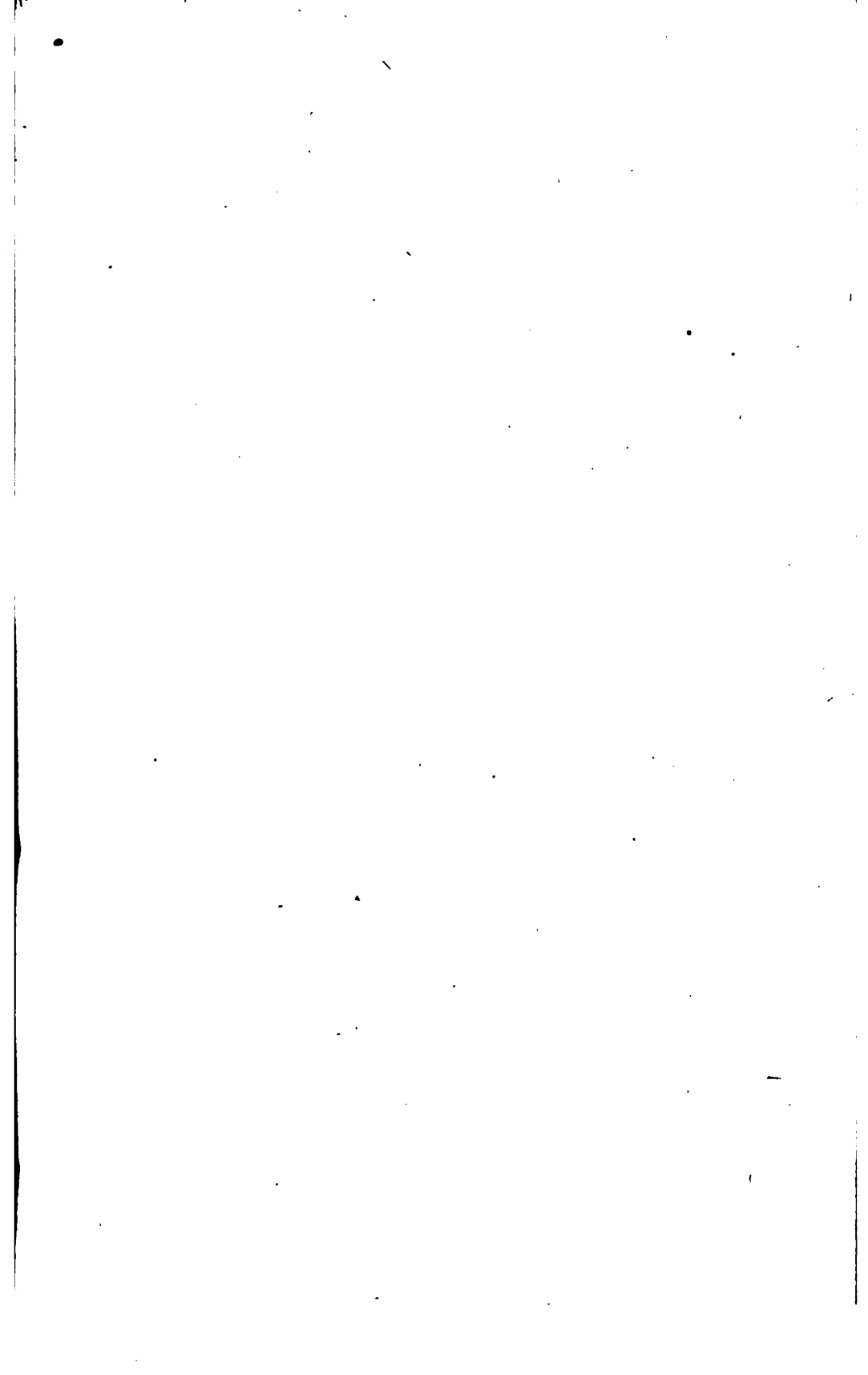


New York Coll.











L A W S

OF THE

STATE OF NEW YORK

PASSED AT THE

ONE HUNDRED AND FOURTEENTH SESSION

OF THE

LEGISLATURE,

BEGUN JANUARY SIXTH, 1891, AND ENDED APRIL THIRTIETH, 1891,
IN THE CITY OF ALBANY.

STATE OF NEW YORK



ALBANY:

BANKS & BROTHERS, PUBLISHERS.

1891.

L 408

AUG 13 1922

FRANKLIN D. ROOSEVELT

CERTIFICATE.

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF NEW YORK, }
ALBANY, *July 1, 1891.* }

Pursuant to the directions of the act entitled "An act relative to the publication of the Laws," passed April 12, 1843, I hereby certify, that the following volume of the Laws of this State, was printed under my direction.

FRANK RICE,
Secretary of State.

In this volume, every act which received the assent of a majority of all the members of the Legislature, "three-fifths of all the members elected to either House" thereof being present, pursuant to section 21 of article 3 of the Constitution of this State, is designated under its title by the words "passed. three-fifths being present." [See Laws of 1847, chap. 253, as amended by chap. 4, Laws of 1888.]

And every act which received "the assent of two-thirds of all the members elected to each branch of the Legislature," pursuant to section 9 of article 1 of the Constitution of this State, is designated under its title by the words "passed by a two-thirds vote." [See Laws of 1842, chap. 306, as amended by chap. 4, Laws of 1888.]



LIST OF OFFICERS.

"§ 4. There shall be prefixed to each volume of the Session Laws hereafter published, the names and residences of the Governor, Lieutenant-Governor, Senators and Members of Assembly, and presiding officers of both Houses, in office at the time of the passage of the laws contained in such volumes."—*Laws of 1847, Chap. 458, Sec. 4.*

NAMES AND RESIDENCES

OF THE GOVERNOR, LIEUTENANT-GOVERNOR, SENATORS, MEMBERS OF ASSEMBLY, AND
PRESIDING OFFICERS OF BOTH HOUSES OF THE LEGISLATURE OF THE STATE OF NEW YORK,
AT THE TIME OF THE PASSAGE OF THE LAWS CONTAINED IN THIS VOLUME.

GOVERNOR.

DAVID B. HILL... ..*ALBANY, ALBANY CO.

LIEUTENANT-GOVERNOR.

EDWARD F. JONES... ..BINGHAMTON, BROOME CO.

SENATORS.

Dist.	NAME.	County.	Address.
1	Edward Hawkins	Suffolk	Jamesport.
2	John C. Jacobs	Kings	Brooklyn.
3	James W. Birkett	Kings	Brooklyn.
4	Patrick H. McCarren	Kings	Brooklyn.
5	William L. Brown	New York	New York city.
6	John F. Ahearn	New York	New York city.
7	George F. Roesch	New York	New York city.
8	Lispensard Stewart	New York	New York city.
9	Charles A. Stadler	New York	New York city.
10	Jacob A. Cantor	New York	New York city.
11	Eugene S. Ives	New York	New York city.
12	William H. Robertson	Westchester	Katonah.
13	William P. Richardson	Orange	Goshen.
14	John J. Linson	Ulster	Kingston.
15	Gilbert A. Deane	Columbia	Copake Iron Works.
16	Michael F. Collins	Rensselaer	Troy.
17	Norton Chase	Albany	Albany.
18	Harvey J. Donaldson	Saratoga	Ballston Spa.
19	Louis W. Emerson	Warren	Warrensburgh.
20	George Z. Erwin	St. Lawrence	Potsdam.
21	George B. Sloan	Oswego	Oswego.
22	Henry J. Coggeshall	Oneida	Waterville.
23	Titus Sheard	Herkimer	Little Falls.
24	Edmund O'Connor	Broome	Binghamton.
25	Francis Hendricks	Onondaga	Syracuse.
26	Thomas Hunter	Cayuga	Sterling.
27	J. Sloat Fassett†	Chemung	Elmira.
28	Charles T. Saxton	Wayne	Clyde.
29	Donald McNaughton	Monroe	Rochester
30	Greenleaf S. Van Gorder	Wyoming	Pike.
31	John Laughlin	Erie	Buffalo.
33	Commodore P. Vedder	Cattaraugus	Ellicottville.

CLERK OF THE SENATE.

John S. Kenyon... ..Syracuse, Onondaga Co.

* Official residence.

† J. Sloat Fassett, President *pro tem.* of the Senate.

LIST OF OFFICERS.

MEMBERS OF ASSEMBLY.

Dist.	NAME.	County.	Address.
1	Michael J. Nolan	Albany	Albany.
2	Walter Ellis Ward	Albany	Albany.
3	Galen R. Hitt	Albany	Albany.
4	John T. Gorman	Albany	Cohoes.
	Addison S. Thompson	Allegany	Cuba.
	Israel T. Deyo	Broome	Binghamton
1	Burton B. Lewis	Cattaraugus	Sandusky.
2	James S. Whipple	Cattaraugus	Salamanca.
1	George W. Dickinson	Cayuga	Port Byron.
2	William Leslie Noyes	Cayuga	Owasco.
1	Walter C. Gifford	Chautauqua	Jamestown.
2	Egburt E. Woodbury	Chautauqua	Jamestown.
	Robert P. Bush	Chemung	Horseheads.
	Harvey A. Truesdell	Chenango	Mount Upton.
	Alfred Guilbord	Clinton	Plattsburgh.
	Aaron B. Gardenier	Columbia	Valatie.
	Rufus T. Peck	Cortland	Cortland.
	Henry Davie	Delaware	Delhi.
1	Willard H. Mase	Dutchess	Matteawan.
2	Edward B. Osborne	Dutchess	Poughkeepsie.
1	William F. Sheehan	Erie	Buffalo.
2	Matthias Endres	Erie	Buffalo.
3	Edward Gallagher	Erie	Buffalo.
4	Henry H. Guenther	Erie	Buffalo.
5	Frank D. Smith	Erie	Springville.
	Walter D. Palmer	Essex	Essex.
	William C. Stevens	Franklin	Malone.
	John Christie	Fulton and Hamilton	Gloversville.
	Francis T. Miller	Genesee	Byron.
	Omar V. Sage	Greene	Catskill.
	Henry H. Green	Herkimer	Paines' Hollow.
1	Henry J. Lane	Jefferson	Sackett's Harbor.
2	Isaac Mitchell	Jefferson	Stone Mills.
1	Joseph J. Cahill	Kings	Brooklyn.
2	Bernard J. McBride	Kings	Brooklyn.
3	John Cooney	Kings	Brooklyn.
4	John J. O'Connor	Kings	Brooklyn.
5	John Kelly	Kings	Brooklyn.
6	William E. Shields	Kings	Brooklyn.
7	Adam Schaff	Kings	Brooklyn.
8	James F. Quigley	Kings	Brooklyn.
9	Charles W. Sutherland	Kings	Brooklyn.
10	Thomas F. Byrnes	Kings	Brooklyn.
11	Joseph Aspinall	Kings	Brooklyn.
12	Mortimer C. Earl	Kings	Brooklyn.
	G. Henry P. Gould	Lewis	Lyons Falls.
	Elias H. Davis	Livingston	Avon.
	Samuel R. Mott	Madison	Bouckville.
1	Frank M. Jones	Monroe	Union Hill.
2	Cornelius R. Parsons	Monroe	Rochester.
3	William H. Denniston	Monroe	Parma Center.
	John F. Dwyer*	Montgomery	Amsterdam.
1	Patrick H. Duffy	New York	New York city.
2	Timothy D. Sullivan	New York	New York city.
3	Percival Farquhar	New York	New York city.
4	Patrick Henry Roche	New York	New York city.
5	Dominick F. Mullaney	New York	New York city.
6	Samuel J. Foley	New York	New York city.
7	Martin T. McMahon	New York	New York city.
8	John E. Brodsky	New York	New York city.
9	Wright Holcomb	New York	New York city.

* Contested election, seat awarded to John F. Dwyer, in place of W. Barlow Dunlap, unseated.

LIST OF OFFICERS.

vii

MEMBERS OF ASSEMBLY — *Continued.*

Dist.	NAME.	County.	Address.
10	William Sohmer	New York	New York city.
11	William Miner Lawrence.	New York	New York city.
12	Moses Dinkelspiel	New York	New York city.
13	James H. Southworth.....	New York	New York city.
14	William Sulzer	New York	New York city.
15	Louis Drypolcher	New York	New York city.
16	Walter G. Byrne.....	New York	New York city.
17	John Kerrigan	New York	New York city.
18	Daniel F. Martin	New York	New York city.
19	John Connelly	New York	New York city.
20	Myer J. Stein.....	New York	New York city.
21	David M. Hildreth, Jr.	New York	New York city.
22	Joseph Blumenthal.....	New York	New York city.
23	George P. Webster	New York	New York city.
24	Christopher C. Clarke	New York	New York city.
1	Garwood Leverett Judd...	Niagara	Tonawanda.
2	Levi Parsons Gillette ...	Niagara	Youngstown.
1	Cornelius Haley	Oneida	Utica.
2	James L. Dempsey	Oneida	Clinton.
3	Russell S. Johnson.....	Oneida	Camden.
1	Howard G. White.....	Onondaga	Syracuse.
2	William Kennedy.....	Onondaga	Syracuse.
3	Ignatius Sawmiller.....	Onondaga	Syracuse.
	Frank O. Chamberlain.....	Ontario	Canandaigua.
1	Grant B. Taylor	Orange	Newburgh.
2	Michael Nolan Kane.....	Orange	Warwick.
	Wallace L'Hommedieu ...	Orleans	Medina.
1	Nevada N. Stranahan.....	Oswego	Fulton.
2	Wilbur H. Selleck	Oswego	Williamstown.
1	Oscar F. Lane	Otsego	Schenevus.
2	Walter L. Brown	Otsego	Oneonta.
	Hamilton Fish, Jr.	Putnam	Garrisons.
1	Solomon S. Townsend	Queens	Oyster Bay.
2	James A. McKenna.....	Queens	Long Island City.
1	James M. Riley	Rensselaer	Troy.
2	Levi E. Worden.....	Rensselaer	Hoosick Falls.
3	John W. McKnight	Rensselaer	Castleton.
	John Croak	Richmond	Port Richmond.
	Frank P. Demarest.....	Rockland	Nyack.
1	George R. Malby.....	St. Lawrence	Ogdensburg.
2	John C. Keeler.....	St. Lawrence	Canton.
3	William Bradford	St. Lawrence	Louisville.
1	Cornelius R. Sheffer	Saratoga	Mechanicville.
2	Lewis Varney	Saratoga	Saratoga Springs.
	Alvin J. Quackenbush.....	Schenectady	Schenectady.
	Ambrose R. Hunting	Schoharie	Gallupville.
	Charles T. Willis	Schuyler	Tyrone.
	Wm. Harrison Dunham.....	Seneca	Waterloo.
1	Grattan H. Brundage.....	Steuben	Bath.
2	Milo M. Acker	Steuben	Hornellsville.
	James H. Pierson	Suffolk	Southampton.
	George M. Beakes.....	Sullivan	Bloomingsburgh.
	Royal W. Clinton	Tioga	Newark Valley.
	Nelson Stevens	Tompkins	West Groton.
1	George M. Brink	Ulster	Kingston.
2	Jacob Rice.....	Ulster	Rondout.
3	George H. Bush	Ulster	Ellenville.
	Wm. Marshall Cameron ..	Warren	Glens Falls.
1	William D. Stevenson	Washington	North Argyle.
2	Albert Johnson	Washington	Comstocks.
1	Elliott B. Norris	Wayne	Sodus.
2	Richard P. Groat.....	Wayne	Newark.

LIST OF OFFICERS.

MEMBERS OF ASSEMBLY — *Continued.*

Dist.	NAME.	County.	Address.
1	Charles P. McClelland.	Westchester	Dobbs Ferry.
2	William Ryan.	Westchester	Port Chester.
3	James W. Husted	Westchester	Peekskill.
	I. Sam Johnson	Wyoming	Warsaw.
	Everett Brown	Yates	Bluff Point.

SPEAKER OF THE ASSEMBLY.

Hon. William F. Sheehan..... Buffalo, Erie County.

CLERK OF THE ASSEMBLY.

Charles R. Defrest..... Troy, Rensselaer County.

L A W S

OF THE

STATE OF NEW YORK

PASSED AT THE

ONE HUNDRED AND FOURTEENTH REGULAR SESSION OF THE LEGISLATURE, BEGUN THE SIXTH DAY OF JANUARY, 1891, AND ENDED THE THIRTIETH DAY OF APRIL, 1891, AT THE CITY OF ALBANY.

CHAP. 1.

AN ACT to legalize and confirm the acts and proceedings of a special school meeting of the inhabitants of school district number six of the town of Brookhaven, in the county of Suffolk, in establishing a union free school district therein and the issuing and selling of bonds by the board of education thereof.

APPROVED by the Governor January 20, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All acts and proceedings of a special school meeting of the inhabitants of school district number six of the town of Brookhaven, in the county of Suffolk, held on the sixth day of August, one thousand eight hundred and eighty-nine, in establishing a union free-school district, and in electing members of a board of education thereof, and all acts and proceedings of the said board of education in issuing and selling the bonds of said district for the purchase of a site, and the erection of a new school building, are hereby legalized, ratified and confirmed, and shall have the same force and validity as if said special meeting had been regularly called, and the notices thereof duly served, in all respects, in conformity with the provisions of title seven of chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four.

Acts of
school
meeting
and issue
of bonds
legalized.

§ 2. This act shall take effect immediately.

CHAP. 2.

AN ACT making an appropriation for finishing and furnishing rooms in the capitol.

APPROVED by the Governor January 28, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. The sum of nine thousand eight hundred and five dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, payable by the treasurer on the warrant of the comptroller upon the order of the commissioner of the new capitol, with the approval of the supervising commissioners appointed under chapter three hundred and sixteen of the laws of eighteen hundred and ninety, for finishing and furnishing rooms in the capitol; to be distributed and expended as follows: for committee rooms, the sum of six thousand eight hundred dollars; for the senate chamber, one hundred dollars; and for rooms occupied by the second division of the court of appeals, two thousand nine hundred and five dollars.

How expended.

§ 2. This act shall take effect immediately.

CHAP. 3.

AN ACT to amend section ninety-three of the Code of Civil Procedure relating to attendants and an interpreter of the supreme court in the first judicial district, and to repeal chapter four hundred and ninety-six of the laws of eighteen hundred and ninety.

APPROVED by the Governor January 29, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section ninety-three of the Code of Civil Procedure is hereby amended to read as follows:

Attendants upon courts in New York city

§ 93. The judges or a majority of them of each of the following named courts, to-wit: The supreme court within the first judicial district, the court of common pleas for the city and county of New York, and the superior court of the city of New York, from time to time, may appoint and at pleasure remove such attendants upon the court of which they are respectively members, including, where the justices of the supreme court make the appointment, the circuit court, and the court of oyer and terminer, as they think necessary for the due transaction of the business thereof, not exceeding five attendants for each part and four for the general term. The justices of the supreme court within the first judicial district may, upon the request of any justice, designate one of the said court attendants to also act as clerk of such justice for such time as they may designate, and the attendant so designated shall receive but one salary for his services as both attendant and justice's clerk, to be fixed by the board of estimate and apportionment of the city of New York. The justices of the

Designation thereof, as supreme court justices' clerks.

supreme court for the first judicial district or a majority thereof may appoint, and at their pleasure remove, an official interpreter of the said court, who shall be entitled to receive a salary of two thousand five hundred dollars per annum, and to be paid as prescribed by law. Before entering upon his official duties, he must subscribe and file in the office of the clerk of the city and county of New York the constitutional oath of office. He must attend any court or before any justice where his services are required, and the justices of the court, or a majority of them, may, by order, regulate his attendance.

Interpreter for first judicial district supreme court.

§ 2. Chapter four hundred and ninety-six of the laws of eighteen hundred and ninety is hereby repealed.

Repeal.

§ 3. This act shall take effect immediately.

CHAP. 4.

AN ACT to provide for rapid transit railways in cities of over one million inhabitants.

APPROVED by the Governor January 31, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. In cities having over one million of inhabitants, according to the last preceding national or state census, where rapid transit commissioners shall have been appointed since the first day of December, eighteen hundred and ninety under the provisions of chapter six hundred and six of the laws of eighteen hundred and seventy-five, and the amendments thereto, by the mayor of any such city, said commissioners shall become commissioners of rapid transit under the provisions of this act. If no such commissioners have been appointed since the first day of December, eighteen hundred and ninety, and the date of the passage of this act in any city in this state containing a population of over one million inhabitants, according to the last preceding national or state census, then the mayor of such city may at any time after the passage of this act, appoint five persons who shall be residents of such city, who shall be commissioners of rapid transit under the provisions of this act. The commissioners thus appointed are hereby constituted a board of rapid transit railroad commissioners, in and for the city in which they are appointed. They shall have and exercise the specific authority and powers hereinafter conferred, and also such other and necessary powers as may be requisite to the efficient performance of the duties imposed upon the said board by this act. If a vacancy shall at any time occur in any such board of rapid transit railroad commissioners, such vacancy shall be filled by the mayor of the city in which said board exists, by the appointment of a citizen of said city, who shall belong to the same political party as did the commissioner whom such appointee succeeds.

Commissioners of rapid transit.

Appointments.

Board constituted.

Vacancies.

§ 2. Within twenty days after the passage of this act, in the case of commissioners who become such by its terms, and within twenty days after their appointment in the case of commissioners appointed under its provisions, each of the said commissioners shall take and subscribe an oath faithfully to perform the duties of his office, which oath shall be filed in the office of the clerk of the county within which said board is appointed.

Oath of commissioners.

First meeting of board.

By-laws and rules.

Quorum.

Record of proceedings.

Board to determine necessity of railways and to fix routes.

General plan of construction.

Location of routes.

Proviso as to consents.

Parks and certain streets excepted.

§ 3. Within thirty days after the passage of this act, in the case of commissioners who become such by its terms, and within twenty days after their appointment, in the case of commissioners appointed under its provisions, the said commissioners shall meet and organize as a board. The board when so organized, may frame and adopt by-laws not inconsistent with this act, and establish suitable rules and regulations for the proper exercise of the powers and duties hereby conferred and imposed, and may from time to time amend the same. Four members of the board shall constitute a quorum for the transaction of business, but a less number may adjourn meetings. The said board shall adopt a seal and keep a record of its proceedings, which shall be a public record and be open to inspection at all reasonable times.

§ 4. The said board upon its own motion may proceed, from time to time, to consider and determine whether it is for the interest of the public and of the city in which it is appointed, that a rapid transit railway or railways for the conveyance and transportation of persons and property should be established therein, and upon the request in writing of the local authorities of any such city at any time, the said board shall proceed forthwith to consider and determine the same questions, and in each case the said board shall conduct such an inquest and investigation as may be deemed necessary in the premises. If, after such consideration and inquest, the said board shall determine that a rapid transit railway or railways, in addition to any already existing, are necessary for the interest of the public and such city, it shall proceed to determine and establish the route or routes thereof and the general plan of construction. Such general plan shall show the general mode of operation and contain such details as to manner of construction as may be necessary to show the extent to which any street, avenue or other public place is to be encroached upon and the property abutting thereon affected, and the concurrent votes of at least four members of the board shall be necessary for the purpose of determining and establishing such route or routes and plan of construction. The said board, from time to time, may locate the route or routes of such railway or railways over, under, upon, through and across any streets, avenues and lands within such city, including blocks between streets or avenues or, partly over, under, upon, through and across any streets, avenues and lands within such city and partly through blocks between streets or avenues; provided that the consent of the owners of one-half in value of the property bounded on and the consent also of the local authorities having control of that portion of a street or highway upon which it is proposed to construct or operate such railway or railways be first obtained, or in case the consent of such property owners can not be obtained, that the determination of three commissioners appointed by the general term of the supreme court in the district of the proposed construction, given after due hearing of all parties interested, and confirmed by the court, that such railway or railways ought to be constructed or operated, be taken in lieu of the consent of such property owners; except that no public park nor any lands or places, lawfully set apart for, or occupied by, any public building of any city or county, or of the state of New York, or of the United States, nor those portions of Grand, Classon, Franklin avenues and Downing street in the city of Brooklyn, lying between the southerly line of Lexington avenue and northerly line of Atlantic avenue, nor that portion of Classon avenue in said city lying between the northerly line of Lexington avenue and southerly line of Park avenue, nor that portion of Washington avenue in said city lying between

Park and Atlantic avenues, nor DeBevoise place, Irving place and Leffert's place, Lee avenue, Nostrand avenue, Waverly avenue, Vanderbilt avenue and Clinton avenue in said city of Brooklyn, nor that portion of the city of Buffalo lying between Michigan and Main streets, nor any part of Fifth avenue in the city of New York, nor that portion of any street or avenue which is now actually occupied by any elevated railroad structure, shall be occupied by any corporation to be organized under the provisions of this act for the purpose of constructing a railway in or upon any of such public parks, lands or places, or upon or along either of the said excepted streets or avenues. It shall be lawful for said commissioners to locate the route of a railway or railways, by tunnel under any such public parks, lands or places and to locate the route of any railway to be built, under this act, across any of the streets and avenues now occupied by an elevated railroad structure in the city of New York or across any of the streets or avenues excepted in this act at any point at which, in its discretion, the board of rapid transit railroad commissioners may deem necessary in the location of any route or routes. Nothing in this act shall authorize the construction of an elevated railway on Broadway south of Thirty-third street, nor on Madison avenue in the city of New York. It shall not be lawful to grant, use or occupy, for the purposes of an elevated railroad, except for the purpose of crossing the same, any portion of the following named streets and places in the city of New York, that is to say: Second avenue below Twenty-third street; Nassau street; Printing House square, so called, south of Frankfort street; Park row, south of Tryon row; Broad street and Wall street.

Tunnels
under
parks and
crossing
streets.

Elevated
roads.

§ 5. After any determination by said board of any such route or routes and of any general plan of construction of said railway or railways, the said board shall transmit to the common council of said city a copy of said plans and conclusions as adopted. It shall be the duty of such common council upon receiving such copy of plans and conclusions to appoint a day not less than one week nor more than ten days after the receipt thereof for the consideration of such plans and conclusions, and the said common council shall, on the day so fixed, proceed with the consideration thereof and may continue and adjourn such consideration, from time to time, until a final vote shall be taken thereon, as hereinafter provided. Within four weeks after the copy of such plans and conclusions adopted by the board of rapid transit railroad commissioners shall have first been received by said common council, a final vote shall be taken thereon, by ayes and nays, in the form of a vote upon a resolution to approve such plans and conclusions, and to consent to the construction of a railway or railways in accordance therewith. Upon the adoption of such resolution* a majority vote of all the members of the common council and the approval of the mayor, and in the case of the refusal or failure of the mayor to approve such resolution, then by a two-thirds vote of all of the members of the common council, the said plans and conclusions shall be deemed to have been finally consented to and adopted, and such consent shall be deemed to be the consent of the local authorities of such city; provided, that where in any such city the exclusive control of any street, road, highway or avenue which is to be used or occupied by any railway or railways constructed under the provisions of this act, is by law vested in any local authority other than the common council of such city, the approval of the aforesaid plans and conclusions and the consent to the construction

Transmis-
sion of
plans, etc.

Approval
and con-
sent of
council.

Consent of
local auth-
orities.

* So in the original.

Consents of
property
owners.

Value of
property,
how deter-
mined.

Proceed-
ings if con-
sent not
obtained.

Notice of
applica-
tion for
commis-
sioners.

Appoint-
ment
thereof,
etc.

Determi-
nation and
report.

Detailed
plans.

of a railway thereunder shall be given by such local authority in place of and if required in addition to such approval and consent by said common council and with like effect. Upon obtaining the approval and consent of the local authorities, as above provided, the said board of rapid transit railroad commissioners shall take the necessary steps to obtain, if possible, the said consents of the property owners along the line of the said route or routes. For the purposes of this act the value of the property bounded on that portion of any street or highway in, upon, over or under which it is proposed to construct or operate such railway or railways, or any part thereof, shall be ascertained and determined from the assessment-roll of the city in which the said property is situated, confirmed or completed last before the local authorities shall have given their consent as above provided. If such consents of property owners can not be obtained, the said board may, in its own name, make application to the general term of the supreme court in the judicial district in which such railway is to be constructed for the appointment of three commissioners to determine and report after due hearing whether such railway ought to be constructed and operated. Two weeks' notice of such application shall be given by daily publication thereof in six daily newspapers published in the city where such proposed railway is to be constructed, if there be so many newspapers published in said city, and if not then in all the daily newspapers published in said city. The newspapers in which said publication shall be made, shall be designated by the general term of the supreme court to which such application is to be made on the application of the commissioners without notice. The said general term, upon due proof of the publication aforesaid, shall appoint three disinterested persons who shall act as commissioners, and such commissioners within ten days after their appointment shall cause public notice to be given in the manner directed by the said general term, of their first sitting and may adjourn from time to time until all their business is completed. Vacancies in such commission may be filled by said general term after such notice to persons interested as the general term may deem proper, and the evidence taken before as well as after such vacancy occurred shall be deemed to be properly before such commissioners. The said commissioners shall determine after public hearing of all parties interested whether such railroad ought to be constructed and operated and shall report the evidence taken to said general term, together with a report of their determination whether such road ought to be constructed and operated, which report if in favor of the construction and operation of such road shall, when confirmed by said court, be taken in lieu of the consent of the property owners above mentioned. Such report shall be made within sixty days after the appointment of said commissioners, unless the said court or a judge thereof shall extend such time.

§ 6. When the consents of the local authorities and the property owners, or in lieu thereof, the authorization of the said supreme court upon the report of commissioners, shall have been obtained, the board of rapid transit railroad commissioners shall at once proceed to prepare detailed plans and specifications for the construction of such rapid transit railway or railways, including all devices and appurtenances deemed by it necessary to secure the greatest efficiency, public convenience and safety, including plans and specifications for suitable support, turnouts, switches, sidings, connections, landing places, buildings, platforms, stairways, elevators, telegraph and signal devices and other suitable appliances incidental and requisite to what the said board

may approve as the best and most efficient system of rapid transit in view of the public needs and requirements, and the said board may in its discretion include in said plans provisions for subways or tunnels for sewer, gas or water pipes, electric wires and other conductors proper to be placed under ground, whenever necessary so to do in order to permit of the proper construction of any railway herein provided for in accordance with the plans and specifications of the said board. Whenever the construction of any railway, depressed way, subway or tunnel under the provisions of this act shall interfere with, disturb or endanger any sewer, water pipe, gas pipe or other duly authorized subsurface structure, the work of construction at such points shall be conducted in the city of New York, in accordance with the reasonable requirements and under the supervision of the commissioner of public works, and in other cities in accordance with the reasonable requirements and under the supervision of the officer or local authority having the care of and the jurisdiction or control over such subsurface structures so interfered with, disturbed or endangered. All expenses incidental to such supervision and to the work of reconstructing, readjusting and supporting any such sewer, water pipe, gas pipe or other duly authorized subsurface structure shall be borne and paid by the company constructing any such railway, depressed way, subway or tunnel.

Subways
for pipes
and wires.

Work at
points of
subsur-
face struc-
tures.

Expenses,
how paid.

§ 7. The said board after having secured the necessary consents and after having prepared such detailed plans and specifications as are by this act provided for, shall sell at public auction in the city where said railway or railways are to be built and for the account and benefit of said city the right, privilege and franchise to construct, maintain and operate such railway or railways. Notice of the time and place of such sale shall be published three times a week for at least six successive weeks in at least three daily newspapers published in said city. The board may prescribe all such terms and conditions of sale as it may deem to be for the interest of the public and of the city in which the railway or railways are to be constructed. The advertisement of sale shall contain only so much of the said terms, plans and specifications for the construction as the board may think proper, but such advertisement must state at what place the full terms, plans and specifications may be examined, and they shall be subject to examination under such reasonable rules and regulations as the board may prescribe. The terms of sale shall provide for the construction of the railway or railways under the supervision of the board, and for the approval of an engineer or engineers to be appointed from time to time by the board, and the corporation or corporations to be organized for the purpose of constructing and operating such railway or railways as in this act provided shall pay such engineer or engineers such salary as may, from time to time, be fixed by the said board of rapid transit railroad commissioners. Such engineer or engineers shall hold their office at the pleasure of the said board. The terms of sale shall require the successful bidder to deposit with the comptroller or chief fiscal officer of the city, in cash or approved securities, such amount as the board may deem sufficient to constitute a guarantee of full compliance with the terms of sale by the purchaser and by the corporation to be formed for the purpose of building and operating said railway as hereinafter provided. Said bids and all rights which may have been acquired thereunder shall become null and void and of no effect, at the option of said board, should there be a failure to organize a corporation to exercise

Public sale
of fran-
chise.

Notice
thereof.

Terms and
conditions.

Supervision
of board
and engi-
neers

Deposits
by bidders.

Nullity of
bids and
rights
thereunder.

Time for
beginning
and fin-
ishing
road.

Forfeiture
and
resale of
franchise.

Terms as
to organ-
ization of
corpora-
tion, etc.

Rejection
and accep-
tance of
bids.

Terms on
resale.

such rights, privileges and franchises as required by said terms of sale and this act, or for any violation of any of the requirements of said terms of sale which should be complied with before such corporation is organized, and thereupon any deposit which may have been made pursuant to such terms of sale shall be paid into the treasury of such city upon a certificate being made and filed by said board with the public officer with whom such deposit shall have been made, that said bid and all rights which may have been acquired thereunder have become null and void and of no effect; and said rights, privileges and franchises shall be again sold by said board, subject to all the provisions of this act regulating such sales. The terms of sale shall require the construction of the road to be begun within a time to be specified in said terms of sale, and to be finished within a certain time thereafter to be specified therein and may prescribe the time within which portions of the same shall be begun and finished. The said terms of sale may reserve to the board the power to extend the times for the commencement and completion of the construction of said railway or of portions of the same if in its discretion the said board deem such extension to be for the best interests of the city. In case the corporation formed for the purpose of constructing said railway shall fail to begin or finish the construction within the the* times for those purposes respectively limited, all rights, privileges and franchises of such corporation to maintain and operate said railway shall be forfeited, and upon such forfeiture being adjudged by the court in a suit brought for that purpose in the name of the people, or by said board of rapid transit railroad commissioners, then the said board shall have power to advertise and resell said rights, privileges and franchises and so much of the road as shall have been constructed by such corporation; such suit shall have preference over all other cases in all courts; and the proceeds of such resale shall be applied first to the payment of the expenses of the resale, and then to the discharge of any liens which may have been created upon such property, and the balance shall be paid over to the said corporation. The terms of sale must provide for the organization by the purchaser or purchasers of such rights, privileges and franchises of a corporation to exercise the same, and to construct, maintain and operate such rapid transit railway or railways, with the powers and subject to the duties and liabilities granted or imposed by this act. The said terms of sale must also specify the amount of the capital of any such corporation, and number of shares of capital stock which such corporation shall be authorized to issue, the percentage to be paid in cash by the subscribers on subscribing for such shares, the maximum amount of the bonded indebtedness which such corporation be authorized to incur, and which may be secured by mortgage upon its property and franchises, and the maximum rates of fares and freight which such corporation may charge and collect for the carriage of persons and property. The said board may, if it considers that the public interest requires it to do so, reject all all* bids and readvertise the said rights, privileges and franchises for sale, with the same or different terms of sale, as often as it may deem necessary in the interest of such city, and shall finally accept that bid, which under all circumstances in its opinion is most advantageous to the public and such city; and no bid shall be accepted without the concurrent vote of four members of the board. The terms of sale on any such resale must contain all the provisions required by this act to

*So in the original.

be inserted in the original terms of sale. Such sale may be adjourned from time to time at the discretion of the board. All sales of such rights, privileges and franchises shall be made for a definite term of years, but the expiration of the term, if sold for a term of years, shall not impair any mortgage or other lien upon the property of such corporation or the rights of any creditor or creditors of such corporation; provided, however, that nothing herein contained shall be so construed as to extend the term for which such rights, privileges and franchises are sold.

Adjournments.

Term of franchise.

Proviso as to extension.

§ 8. Within one year, and not less than six months, prior to the expiration of any term for which such rights, privileges and franchises shall have been sold, said board shall proceed to resell the right to maintain and operate the said railway. Such sale shall be made in the manner prescribed for the original sale, and the board is empowered to make suitable provisions for securing to the corporation then operating such railway or railways suitable compensation for the railroad structure and appurtenances, and for any other property, real or personal, which the said corporation may own or of which it may be vested at the expiration of the term for which such rights, privileges and franchises were sold. Any corporation theretofore organized under the provisions of this act may be a purchaser on such resale; but if no such corporation be the purchaser, a new corporation shall be formed to maintain and operate said road in the manner prescribed for the organization of a corporation on the original sale, except that the plans and specifications according to which said railway has been constructed need not be set out at large, but may be referred to as forming part of the articles of association of said new corporation.

Resale of franchises after expiration of term.

Purchasers.

New corporation.

§ 9. The said board, by the concurrent vote of four members thereof may rent such offices and employ such engineers, attorneys and other persons, from time to time, as it may, in its discretion, deem necessary to the proper performance by it of its duties as in this act prescribed.

Offices and assistance for board.

§ 10. The board of estimate and apportionment, or other board or public body on which is imposed the duty and in which is vested the power of making appropriations of public moneys for the purposes of the city government in any city in which it is proposed to construct such railway or railways, shall, from time to time, on requisition duly made by the board of rapid transit railroad commissioners, appropriate such sum or sums of money as may be requisite and necessary to properly enable it to do and perform or cause to be done and performed the duties herein prescribed. And such appropriation shall be made forthwith upon presentation of a requisition from the board of rapid transit railroad commissioners, which shall state the purposes for which such moneys are required by the said board. In case the said board of estimate and apportionment or such other board or public body fail to appropriate such amount as the board of rapid transit railroad commissioners deem requisite and necessary, the said board of rapid transit railroad commissioners may apply to the general term of the supreme court, in the department in which the railway is to be or has been constructed, on notice to the board of estimate and apportionment or such other board or public body aforesaid, to determine what amount shall be appropriated for the purposes required by this section, and the decision of said general term shall be final and conclusive. And no city shall be liable for any indebtedness incurred by the said board of rapid transit railroad commissioners in excess of such appropriation or appropriations. It shall be the duty of the au-

Appropriations for board.

Proceedings upon failure to appropriate amount.

Liability of city.

Audit and
payment
of expen-
ditures.

Revenue
bonds,
issue of,
etc.

Repay-
ment of
expenses.

Compensation of
commissioners.

Stated in
terms of
sale.

Corporations, how
organized.

Articles of
association.

Approval
and filing
thereof.

Subscrip-
tions to
stock.

ditor and comptroller of any such city, after such appropriations shall have been duly made, to audit and pay the proper expenditures of said commissioners upon vouchers therefor, to be furnished by the said commissioners, which payments shall be made in like manner as payments are now made by the auditor, comptroller or other public officers of claims against and demands upon such city; and for the purpose of providing funds with which to pay the said sums, the comptroller of said city is hereby authorized and directed to issue and sell revenue bonds of such city in anticipation of receipt of taxes and out of the proceeds of such bonds to make the payments in this section required to be made. And the amount necessary to pay the principal and interest of such bonds shall be included in the estimates of moneys necessary to be raised by taxation to carry on the business of said city, and shall be made a part of the tax levy for the year next following the year in which such appropriations are made. All expenses of the said board of rapid transit railroad commissioners so incurred and paid by any city as in this section provided, and for which any city shall be liable, shall be repaid with interest by the bidder or bidders at the public sale of the rights, privileges and franchises as in this act provided whose bid shall be accepted by the board of rapid transit railroad commissioners, and the terms of such sale shall specify the time when such payment shall be made, as well as the amount thereof. The commissioners shall be paid a reasonable compensation for the duties performed by them in relation to each railway located by them under the provisions of this act. The amount of such compensation shall be determined by the general term of the supreme court in the department in which the railway is to be located upon application by the board of rapid transit railroad commissioners after notice to the mayor of the city in which the railway is to be built. The amount of such compensation shall be stated in the terms of sale and shall be paid by the purchaser.

§ 11. A corporation or corporations to construct and operate such rapid transit railway or railways, and to enjoy and exercise the rights, privileges and franchises in this act provided for shall be created and organized in the manner following: Articles of association shall be duly signed and acknowledged by not less than twenty-five persons, and such articles shall set forth the name of the proposed corporation and duration thereof. Said articles must also state that they are made and filed under and in pursuance of this act for the purpose of taking and exercising the rights, privileges and franchises so purchased as aforesaid, according to the terms of sale; and such terms of sale and all plans and specifications must be made a part of said articles, annexed thereto and filed therewith. The said articles must also contain such other provisions as the said board may deem requisite and necessary, not inconsistent with the terms of sale or with this act. The said articles must be approved by said board, by the concurrent vote of four members, and its approval must be indorsed thereon and attested by the seal of the board and the signature of its presiding officer, and must then be filed in the office of the secretary of state, and a duly certified copy, or a duplicate thereof, must be filed in the office of the clerk of the county in which such railway or railways are to be constructed. Immediately after the articles of association shall have been so made, approved and filed, the board of rapid transit railroad commissioners shall cause books of subscription to the capital stock of any such corporation to be opened, and shall give public notice of the opening of such books and of the time and place at which subscrip-

tions will be received; and when the full amount of such capital stock shall have been subscribed by not less than fifty persons, and such percentage of the amount subscribed as may have been fixed by the board in the terms of sale shall have been paid in, in cash, to such bank or trust company as the board may select, the said board shall call a meeting of the subscribers for the purpose of organizing the corporation, serving upon or mailing to each subscriber a notice of such meeting at least ten days before the time appointed for holding the same; and the person or persons whose bid shall have been accepted by the said board of rapid transit railroad commissioners shall, if they elect to become subscribers to the capital stock of such corporation, be entitled to a preference for themselves and their associates in subscribing for, and in the allotment of the shares of capital stock of such corporation.

Meeting of subscribers.

Preference in subscriptions, etc.

§ 12. At such meeting of subscribers thirteen directors of the corporation shall be elected, each of whom shall be a holder in his own right of at least one hundred shares of the capital stock of the corporation, and the board of rapid transit railroad commissioners shall appoint the the* inspectors of the first election. Each share of stock shall entitle the holder to one vote for each director. The directors so selected shall hold office for one year and until others are elected in their places. At such meeting by-laws must be adopted not inconsistent with this act, which by-laws shall, among other things, provide for :

Election of first directors.

By-laws to be adopted.

1. The term of office of the directors elected at any subsequent meeting of stockholders, which term shall not exceed one year.

2. The manner of filling any vacancy which may occur in any office or in the board of directors.

3. The time and place of the annual meeting of stockholders.

4. The manner of calling and holding special meetings of stockholders.

5. The number of stockholders who shall attend either in person or by proxy, at any stockholders' meeting in order to constitute a quorum.

6. The officers of the corporation, the manner of their election by the directors, and their duties and powers, and among which officers there shall be included a president, a secretary and a treasurer.

7. The manner of electing or appointing inspectors of election.

8. The manner of amending the by-laws.

The by-laws may also provide for the forfeiture of shares for the non-payment of calls and for such other matters as may be deemed proper by the board of rapid transit railroad commissioners and they must be approved by a resolution of said board.

§ 13. Within ten days after the said subscribers' meeting a record of the proceedings thereof, containing a copy of the subscription list, a copy of the by-laws adopted, and the names of the directors chosen, shall be prepared and duly certified by the person presiding over, and person acting as secretary of said meeting. There shall be attached thereto a certificate of the board of rapid transit railroad commissioners, attested by its seal and the signature of its presiding officer, that said board has approved the by-laws adopted at the subscribers' meeting, and that said corporation has been organized in accordance with the provisions of this act. The said record and certificate shall be filed by said board in the office of the secretary of state, and a duly certified copy or duplicate thereof shall be filed in the office of the clerk of the county in which said railway or railways are to be built, and thereupon and upon the payment to the state treasurer of a tax of one-eighth of one

Record of proceedings.

Certificate of organization.

Record and certificate to be filed.

per centum of the par value of the capital stock of said corporation, such corporation shall be deemed to be fully organized. A copy of said certificate, duly certified by the secretary of state, or by the county clerk in whose office it is filed, shall be presumptive evidence of the due organization of such corporation in all courts and proceedings. Upon the production of the certified copy of said certificate, and upon the order of such corporation, the bank or trust company in which the percentage of subscriptions to the capital stock shall have been deposited, shall pay over to any such corporation the amount of such deposit, and said corporation shall repay to the purchaser or purchasers at the sale provided for in section seven of this act, the expenses paid by him or them to the city pursuant to the provisions of the terms of sale, with interest to the date of such repayment.

Payment
of deposit
to corpora-
tion.

Repay-
ment to
purchaser
of fran-
chise.

Modifica-
tion of
plans, etc.

Certificate
thereof.

Filing of
certificate
and modi-
fied plans.

Principal
office and
place of
taxation.

Board of
directors.

Vacancies
and quali-
fications.

§ 14. The said board of rapid transit railroad commissioners, if, in their judgment, the public interest requires, may, at any time after the full organization of any such corporation, by the concurrent vote of four members, authorize such corporation to alter or add to the detailed plans and specifications contained in its articles of association, provided the plans and specifications as so modified do not change the route or routes of said railway and be not inconsistent with the general plan of construction, adopted under the provisions of section four of this act, and provided also such modifications be first approved by a vote of two-thirds of the directors of said corporation present and voting at any special meeting duly called for the purpose, by written notice stating the nature of the business to be transacted at said meeting. When such authorization by the board of rapid transit railroad commissioners shall have been given, a certificate shall be prepared, and acknowledged by the president and a majority of the directors of said corporation, stating the nature of the modification, and that the same has been approved by the board of directors in the manner above set forth, to which certificate there shall be attached a copy of so much of the original plans and specifications as are to be affected by the modification, and also the plans and specifications as modified. There shall also be contained in such certificate a declaration of the approval of said board of rapid transit railroad commissioners, attested in the same manner as the certificate of full organization. The said certificate, plans and specifications shall then be filed in the office of the secretary of state, and a certified copy or duplicate thereof shall be filed in the office of the clerk in which the articles of association are filed. And thereupon said corporation shall be authorized to construct its railway or railways and appurtenances in accordance with such modified plans and specifications.

§ 15. Every corporation organized under this act shall have its principal office and be taxed on its property in the city where its railway or railways are situated.

§ 16. The affairs of said corporation shall be managed by a board of thirteen directors, who shall be chosen annually, by a majority of the votes of the stockholders voting at such election, in such manner as may be prescribed in the by-laws of the corporation, and they may and shall continue to be directors until others are elected in their places. In the election of directors, each stockholder shall be entitled to one vote for each share of stock held by him. Vacancies in the board of directors shall be filled in such manner as shall be prescribed by the by-laws of the corporation. No person shall be a director unless he shall be a stockholder owning one hundred shares of stock absolutely in his own right, and qualified to vote for directors at the

election at which he shall be chosen. At every election of directors the books and papers of such corporation shall be exhibited to the meeting, provided a majority of the stockholders present shall require it. Exhibition of books.

§ 17. The directors shall require the subscribers to the capital stock of the company to pay the amount by them respectively subscribed in money at such times and in such installments as they may deem proper, not inconsistent with the by-laws and the articles of association. Payment of subscriptions to stock.

§ 18. Each stockholder of any corporation formed under this act shall be individually liable to the creditors of such corporation, to an amount equal to the amount unpaid on the stock held by him, for all the debts and liabilities of such corporation, until the whole amount of the capital stock so held by him shall have been paid to the corporation; and all the stockholders of any such corporation shall be jointly and severally liable for the debts due or owing to any of its laborers and servants, other than contractors, for personal services, for thirty days' service performed for such corporation, but shall not be liable to an action therefor before an execution or executions shall be returned unsatisfied in whole or in part against the corporation, and the amount due on such execution or executions shall be the amount recoverable, with costs, against such stockholders; before such laborer or servant shall charge such stockholder for such thirty days' service, he shall give him notice in writing within twenty days after the performance of such service, that he intends so to hold him liable, and he shall commence such action therefor within thirty days after the return of such execution unsatisfied, as above mentioned; and every such stockholder against whom any such recovery by such laborer or servant shall have been had, shall have a right to recover the same of the other stockholders in said corporation, in ratable proportion to the amount of the stock they shall respectively hold. Personal liability of stockholders.

§ 19. The stock of every corporation formed under this act shall be deemed personal estate, and shall be transferable in the manner prescribed by the by-laws of the company, but no share shall be transferable until all previous calls thereon shall have been fully paid in. Notice and commencement of action.

§ 20. Any corporation formed under this act may increase or reduce its capital stock from time to time upon obtaining the approval of the board of rapid transit railroad commissioners by a concurrent vote of four members thereof. Such increase or reduction must be approved by a vote in person, or by proxy, of two-thirds in amount of all the stockholders of the corporation, at a meeting of such stockholders called by the directors of the corporation for that purpose, by a notice in writing to each stockholder, to be served on him in the manner provided for service of the notice of the subscribers' meetings provided for in section eleven of this act. Such notice shall state the time and place of the meeting, and its object, and the amount to which it is proposed to increase or reduce the capital stock. A statement of the increase or reduction shall be signed by the president and a majority of the directors and shall be filed in the office of the secretary of state and of the clerk of the county in which the original articles of association are filed. There must be attached thereto a certificate of the approval of said board of rapid transit railroad commissioners attested in the same manner as the certificate of full organization. Recovery by stockholder.

§ 21. No person holding stock in any such corporation, as executor, administrator, guardian or trustee, and no person holding such stock as collateral security, shall be personally subject to any liability as a Transfer of stock.

Increase or reduction of capital.

Notice to stockholders.

Statement to be made and filed.

Liability of certain holders of stock.

stockholder of such corporation; but the person pledging such stock shall be considered as holding the same, and shall be liable as a stockholder accordingly; and the estate and funds in the hands of such executor, administrator, guardian or trustee shall be liable in like manner, and to the same extent, as the testator or intestate or the ward or person interested in such trust fund would have been if he had been living and competent to act, and held the same stock in his own name.

Liability of
corporation to em-
ployees of con-
tractors.

§ 22. As often as any contractor for the construction of any part of a railway, which is in progress of construction under the provisions of this act, shall be indebted to any laborer for thirty or any less number of days' labor performed in constructing said road, such laborer may give notice of such indebtedness to said corporation in the manner herein provided; and said corporation shall thereupon become liable to pay such laborer the amount so due him for such labor, and an action may be maintained against said corporation therefor. Such notice shall be given by said laborer to said corporation within twenty days after the performance of the number of days' labor for which the claim is made. Such notice shall be in writing, and shall state the amount and number of days' labor, and the time when the same was performed and the name of the contractor from whom due, and shall be signed by such laborer or his attorney, and shall be served on an engineer, agent or superintendent employed by such corporation having charge of the section of the road on which such labor was performed personally, or by leaving the same at the office or usual place of business of such engineer, agent or superintendent with some person of suitable age. But no action shall be maintained against any corporation under the provisions of this section, unless the same be commenced within thirty days after notice is given to such company by such laborer as above provided.

Notice to
be given.

Actions,
when com-
menced.

Real
estate.

§ 23. Every such corporation shall have the right to acquire and hold such real estate or easement or other interest therein, or rights appertaining thereto, as may be necessary to enable it to construct, maintain and operate the said railway, or railways, and such as may be necessary for stations, depots, engine-house, car-houses, machine-shops, and other appurtenances specified in the articles of association; and in case any such corporation can not agree with the owner or owners of such property it shall have the right to acquire title to the same in pursuance of the terms of and in the manner prescribed in title one of chapter twenty-three of the Code of Civil Procedure, known as the condemnation law.

Proceed-
ings to
acquire
title.

Corporate
powers.
Voluntary
grants.

§ 24. Every corporation formed under this act shall have power:
1. To take and hold such voluntary grants of real estate and other property as shall be made to it, to aid in the construction, maintenance and accommodation of its railway or railways, but the real estate received by voluntary grant shall be held and used for the purposes of such grant only.

Purchase
of prop-
erty.

2. To purchase, hold and use all such real estate and other property as may be necessary for the construction and maintenance of its railway or railways and the stations and other accommodations necessary to accomplish the objects of its incorporation; but nothing herein contained shall be held as repealing or in any way affecting the act entitled "An act authorizing the construction of railroads upon Indian lands," passed May twelve, eighteen hundred and thirty-six.

May cross
and unite
with other
roads.

3. To cross, intersect, join and unite its railway or railways with any other railway before constructed at any point on its route, and upon the grounds of such other railway company, with the necessary

turnouts, sidings and switches and other conveniences in furtherance of the objects of its connections. And every corporation whose railway is or shall be hereafter intersected by any new railway shall unite with the owners of such new railway in forming such intersections and connections, and grant the facilities aforesaid; and if the two corporations can not agree upon the amount of compensation to be made therefor the same shall be ascertained and determined by commissioners to be appointed by the court, in the manner provided in this act in respect to acquiring title to real estate. And if the two corporations can not agree upon the points and manner of such crossings and connections, the board of rapid transit railroad commissioners shall determine the same on the application of either corporation.

Compensation.

4. To take and convey persons and property on its railway or railways by the power or force of steam, or by any motor other than animal power, and to receive compensation therefor not inconsistent with the provisions of this act and the terms of sale under which the said corporation shall have acquired its rights, privileges and franchises.

Transportation of persons and property.

5. To enter upon and underneath the several streets, avenues public places and lands designated by the said board of rapid transit railroad commissioners, and enter into and upon the soil of the same; to construct, maintain, operate and use, in accordance with the plan adopted by said board a railway or railways upon the route or routes and to the points decided upon, and to secure the necessary foundations and erect the columns, piers and other structures which may be required to secure safety and stability in the construction and maintenance of the railways constructed upon the plan adopted by the said board and which may be necessary for operating the same; except that nothing in this act shall authorize the construction of a railway crossing the track of any steam railway now in actual operation at the grade thereof, or the erection of piers or supports for any elevated railway upon a railway track now actually in use in any street or avenue; and it shall be lawful to make such excavations and openings along the route through which such railway or railways shall be constructed as shall be necessary from time to time; in all cases the surface of said streets around such foundations, piers and columns shall be restored to the condition in which they were before such excavations were made, as near as may be and under the direction of the proper local authorities, and in all cases the use of the streets, avenues, places and lands designated by the said board, and the right of way through the same, for the purpose of a railway or railways, as herein authorized and provided, shall be considered, and is hereby declared, to be a public use, consistent with the uses for which the roads, streets, avenues and public places are publicly held; but no such corporation shall have the right to acquire the use or occupancy of public parks or squares in such county, or the use or occupancy of any of the streets or avenues, except such as may have been designated for the route or routes of such railway, and except such temporary privileges as the proper authorities may grant to such corporations to facilitate such construction.

Entry upon streets, etc.

Construction and maintenance of road.

Excavations.

Parks and streets, use or occupancy of.

6. From time to time to borrow such sums of money as may be necessary for completing and finishing or operating their railroad, and to issue and dispose of their bonds for any amount so borrowed, but the amount of such bonds outstanding at any one time shall not exceed the amount limited by the articles of association.

Right to borrow money and issue bonds.

§ 25. Every conductor, baggage master, engineer, brakeman or Employee

to wear
badges.

other servant of any railroad corporation employed in a passenger train, or at stations for passengers, shall wear upon his hat or cap a badge, which shall indicate his office, and the initial letter of the style of the corporation by which he is employed. No conductor or collector, without such badge, shall be entitled to demand or receive from any passenger any fare or ticket, or to exercise any of the powers of his office; and no officer or servant without such badge shall have authority to meddle or interfere with any passenger, his baggage or property.

Carrying
of mails.

§ 26. Any such corporation shall, when applied to by the postmaster-general, convey the mails of the United States on their road or roads respectively; and in case the parties can not agree as to the rate of transportation therefor, and as to the time, rate of speed, manner and conditions of carrying the same, it shall be lawful for the governor of this state to appoint three commissioners, who, or a majority of them, after fifteen days' notice in writing of the time and place of meeting to the corporation, shall determine and fix the prices, terms and conditions aforesaid; but such price shall not be less for carrying said mails in the regular passenger trains than the amount which such corporation would receive as freight on a like weight of merchandise transported in their merchandise trains, and a fair compensation for the post-office car. And in case the postmaster-general shall require the mail to be carried at other hours, or at a higher speed than the passenger trains are run, the corporation shall furnish an extra train for the mail, and be allowed an extra compensation for the expenses and wear and tear thereof, and for the service to be fixed as aforesaid.

Extra
trains
therefor.

Ejection
of passen-
gers from
cars.

§ 27. If any passenger shall refuse to pay his fare, it shall be lawful for the conductor of the train and the servants of the corporation to put him and his baggage out of the cars, using no unnecessary force, at any usual stopping place, on stopping the train.

Running
of cars and
convey-
ance of
freight
and pas-
sengers.

§ 28. Every such corporation shall start and run its cars for the transportation of passengers and property at regular times, to be fixed by public notice; and shall furnish sufficient accommodations for the transportation of all such passengers and property as shall, within a reasonable time previous thereto, be offered for transportation at the place of starting and the junction of other railroads, and at usual stopping places established for receiving and discharging way passengers and freight for that train; and shall take, transport and discharge such passengers and property at, from and to such places, on the due payment of the freight or fare legally authorized therefor; and shall be liable to the party aggrieved in an action for damages, for any neglect or refusal in the premises.

Intoxica-
tion of
employees.

§ 29. If any person shall, while in charge of a locomotive engine running upon the railway of any such corporation, or while acting as the conductor of a car or train of cars on any such railroad, be intoxicated, he shall be deemed guilty of a misdemeanor.

Willful in-
jury to
property.

§ 30. If any person or persons shall willfully do, or cause to be done, any act or acts whatever, whereby any building, construction or work of any railway corporation, or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall be guilty of a misdemeanor, and shall all forfeit and pay to the said corporation treble the amount of damages sustained in consequence of such offense.

Dissolu-
tion by

§ 31. The legislature may, at any time, annul or dissolve any corporation formed under this act; but such dissolution shall not take

away or impair any remedy given against any such corporation, its stockholders or officers, for any liability which shall have been previously incurred.

§ 32. The said board of rapid transit railroad commissioners may also from time to time, upon application of any railway corporation owning or actually operating a railroad wholly or in part within the limits of any city in which the said board has power to act, if in the judgment of said board the public interests so demand, by the concurrent vote of all the members of said board fix and determine the route or routes by which any such railway company may connect with other steam railways, or the stations thereof, or with steam ferries, or may extend its lines within said city and may authorize any such railway company to lay an additional track or tracks on, above, under or contiguous to a portion or the whole of the route or routes of its railway or railways within said city and to acquire terminal or other facilities necessary for the accommodation of the traveling public on any street or place except the place now known as Battery park on which said railway shall be located; and the said board shall fix and determine the locations and plans of construction of the railways upon such route or routes and of such tracks and facilities, the times within which they shall be respectively constructed, the compensation to be made therefor to the city by said railway company, and such other terms, conditions and requirements as to the said board may appear just and proper. A certificate shall be prepared by the said board, attested by its seal and the signatures of its presiding officer, setting forth in detail the action taken by the said board with respect to such connecting or extended route or routes and such tracks and facilities, and the terms, conditions and requirements aforesaid. Such certificates shall be delivered to said railway corporation upon the receipt by said board of a written acceptance of said terms, conditions and requirements, duly executed by said railway corporation, so as to entitle it to be recorded. The said certificate shall be filed in the office of the secretary of state, and a duly certified copy thereof shall be filed in the office of the clerk of the county in which the railways of said railway corporation are situated, and thereupon, and upon fulfillment by such railway corporation, so far as it relates to such connections, additional track or tracks, or facilities, of such of the requirements and conditions as are necessary to be fulfilled in such cases, under section eighteen of article three of the constitution of this state, and upon fulfillment by such railway corporation of such other terms, conditions and requirements enumerated in said certificate, as the said board may require to be fulfilled as a condition precedent to commencing said work, said railway company shall in such cases possess in addition to existing franchises all the powers conferred by this act upon corporations specially formed thereunder, with respect to its railways authorized to be constructed as aforesaid, and when any route or routes, additional track or tracks, or terminal or other facilities, shall be so fixed and determined, and a certificate as aforesaid shall have been duly filed, such railway company may construct the same with all the rights, and with like effect as though the same had been a part of the original route of its railway then in actual operation. But the construction and operation of such connections, extensions, additional track or tracks, or facilities, are hereby authorized only upon the condition that the consent of the owners of one-half in value of the property bounded on, and the consent also of the local authorities having the control of that portion of a street or highway upon, above or under which it is proposed to construct or operate the same, be first

legisla-
ture.

Power to
fix con-
necting
routes and
extend
lines.

Additional
tracks and
facilities.

Plans,
compensa-
tion, etc.

Certificate
by board.

Delivery
and filing
thereof.

Powers
conferred
thereupon.

Right to
construct.

Consent of
property
owners
and local
authori-
ties.

Notice of
submission
of ques-
tion to
electors.

Special
town
meeting
may be
called.

Vote to be
by ballot,
etc.

Canvass
and state-
ment of
vote.

Duty of
county
clerk.

Calling of
meeting of
supervis-
ors.

county-house and for the support, care and maintenance of the poor of the county, and to sell and convey the old site of the county poor-house and the farm connected therewith. The board shall also, by resolution, direct that every such resolution, with a notice signed by the chairman and clerk of the board, that the question of such sale and disposal of the old site and farm, and the purchase of a new site and farm for the county poor-house, and for the support, care and maintenance of the poor of the county, will be submitted to the electors of the county, at the ensuing town meeting to be held in the several towns thereof, shall be published in at least six newspapers published in the county designated by the board, if there be that number, if not, in all the newspapers of the county, at least one full week immediately preceding such town meeting, and posted for at least ten days before the town meeting in at least six public places in each town in the county. If the annual town meetings of the county are not to be held within three months after the passage of such resolution, the board shall, by resolution, direct that a special town meeting shall be held in each town of the county, on a day to be specified therein, at which such questions will be submitted to the electors of the county. Every resolution of the board calling such special town meeting shall be published in at least six newspapers of the county, to be designated by the board, for the period of at least four successive weeks immediately preceding the time when such special town meetings are to be held; or if a less number of newspapers than six are published in the county, such resolution shall be published in all the newspapers thereof. At any annual or special town meeting at which such question shall be submitted to the electors of the county, the vote shall be by ballot, which shall be in this form: "In favor of the sale and disposal of the present county poor-house site and farm; and of the purchase of a new site and farm;" or, "against the sale and disposal of the present county poor-house site and farm, and the purchase of a new site and farm." The ballots shall be provided and delivered by the county clerk of the county; and the expense thereof shall be a county charge. The officers presiding at such town meeting shall canvass the votes cast thereat and make a correct statement of the number cast in favor of and the number cast against the question submitted, and certify the same in duplicate; one of which shall immediately be filed in the town clerk's office, and the other of which shall, within twenty-four hours after the conclusion of such canvass, be filed in the county clerk's office. Within twenty-four hours after the statements of the canvass of votes in all the towns of the county shall have been filed with the county clerk, he shall canvass and compile a statement of the whole number of votes cast in the county upon the question submitted, and of the number cast in favor of and against such question, respectively, and make and record a certificate of such result in his office; and within twenty-four hours thereafter cause a certified copy thereof to be delivered to the chairman of the board of supervisors, if a majority of the electors of a county voting upon such question at such town meetings shall have voted in favor of the question submitted. The chairman of the board, upon the receipt of the certified copy of such certificate from the county clerk, shall call a special meeting of the board, to be held at some time to be designated by him, not more than thirty days thereafter, and of which meeting notice shall be given to each member of the board, either personally or by mail, at least ten days before the time of the meeting. If the annual meeting of the board is to be held within such period of thirty days a special meeting

shall not be called. At any special meeting of the board, called and convened as herein provided, or at any annual meeting convened within such period of thirty days, such board of supervisors shall have full power and authority to sell and dispose of the site and farm then owned and used by the county for the support, care and maintenance of its poor, and to select, locate and purchase a new site or farm for the county poor-house, and for the support, care and maintenance of the poor of the county, and to raise all necessary sums of money upon the taxable property of the county to defray the expense and cost of the purchase of such new site and farm, and to carry out the provisions of this section over and above the amount that shall be realized from the sale and disposal of the old site and farm, and such moneys as may be in the hands of the county treasurer of the county applicable to such purchase. And the board may also, at any such meeting, provide for the erection of a new county poor-house, and other buildings to be used in connection therewith, and for the levy of a tax upon the taxable property of the county, to raise the necessary sums of money to defray the expense thereof. In case there shall be no chairman of the board of supervisors at a time when any notice required by this section is to be served, or any call of a meeting to be made by such chairman, the clerk of the board of supervisors, if there be one, or, if not, any member of the board of supervisors designated by such petitioners, shall serve the notices and call the meetings required by this section to be served or called by the chairman.

Power to sell property, purchase site, etc.

Erection of new poor-house.

Provision in case of no chairman of board.

§ 2. Section seven of said chapter is hereby amended so as to read as follows:

§ 7. The counties of New York and Kings are hereby exempted from the provisions of this act. Counties exempted.

§ 3. Section eight of said chapter is hereby amended so as to read as follows:

§ 8. All acts and parts of acts providing for the removal of the site of any county building or buildings, are hereby repealed. Repeal.

§ 4. This act shall take effect immediately.

CHAP. 6.

AN ACT to amend chapter two hundred and seventeen of the laws of eighteen hundred and eighty-eight, entitled "An act to incorporate the Masonic Hall Association of the city of Buffalo."

APPROVED by the Governor February 4, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eight of chapter two hundred and seventeen of the laws of eighteen hundred and eighty-eight, entitled "An act to incorporate the Masonic Hall Association of the city of Buffalo," is hereby amended so as to read as follows: Charter amended.

§ 8. If the amount of money and property received by said corporation by voluntary gift and subscription should not be sufficient to pay for the land and the construction of a suitable building thereon, the said corporation shall have authority to issue its bonds, bearing interest semi-annually, for such additional sum as shall be required to pay for such land and building, and to execute to such trustee or trustees Authority to issue bonds, mortgage property, etc.

Notice of
submission
of ques-
tion to
electors.

Special
town
meeting
may be
called.

Vote to be
by ballot,
etc.

Canvass
and state-
ment of
vote.

Duty of
county
clerk.

Calling of
meeting of
supervis-
ors.

county-house and for the support, care and maintenance of the poor of the county, and to sell and convey the old site of the county poor-house and the farm connected therewith. The board shall also, by resolution, direct that every such resolution, with a notice signed by the chairman and clerk of the board, that the question of such sale and disposal of the old site and farm, and the purchase of a new site and farm for the county poor-house, and for the support, care and maintenance of the poor of the county, will be submitted to the electors of the county, at the ensuing town meeting to be held in the several towns thereof, shall be published in at least six newspapers published in the county designated by the board, if there be that number, if not, in all the newspapers of the county, at least one full week immediately preceding such town meeting, and posted for at least ten days before the town meeting in at least six public places in each town in the county. If the annual town meetings of the county are not to be held within three months after the passage of such resolution, the board shall, by resolution, direct that a special town meeting shall be held in each town of the county, on a day to be specified therein, at which such questions will be submitted to the electors of the county. Every resolution of the board calling such special town meeting shall be published in at least six newspapers of the county, to be designated by the board, for the period of at least four successive weeks immediately preceding the time when such special town meetings are to be held; or if a less number of newspapers than six are published in the county, such resolution shall be published in all the newspapers thereof. At any annual or special town meeting at which such question shall be submitted to the electors of the county, the vote shall be by ballot, which shall be in this form: "In favor of the sale and disposal of the present county poor-house site and farm; and of the purchase of a new site and farm;" or, "against the sale and disposal of the present county poor-house site and farm, and the purchase of a new site and farm." The ballots shall be provided and delivered by the county clerk of the county; and the expense thereof shall be a county charge. The officers presiding at such town meeting shall canvass the votes cast thereat and make a correct statement of the number cast in favor of and the number cast against the question submitted, and certify the same in duplicate; one of which shall immediately be filed in the town clerk's office, and the other of which shall, within twenty-four hours after the conclusion of such canvass, be filed in the county clerk's office. Within twenty-four hours after the statements of the canvass of votes in all the towns of the county shall have been filed with the county clerk, he shall canvass and compile a statement of the whole number of votes cast in the county upon the question submitted, and of the number cast in favor of and against such question, respectively, and make and record a certificate of such result in his office; and within twenty-four hours thereafter cause a certified copy thereof to be delivered to the chairman of the board of supervisors, if a majority of the electors of a county voting upon such question at such town meetings shall have voted in favor of the question submitted. The chairman of the board, upon the receipt of the certified copy of such certificate from the county clerk, shall call a special meeting of the board, to be held at some time to be designated by him, not more than thirty days thereafter, and of which meeting notice shall be given to each member of the board, either personally or by mail, at least ten days before the time of the meeting. If the annual meeting of the board is to be held within such period of thirty days a special meeting

shall not be called. At any special meeting of the board, called and convened as herein provided, or at any annual meeting convened within such period of thirty days, such board of supervisors shall have full power and authority to sell and dispose of the site and farm then owned and used by the county for the support, care and maintenance of its poor, and to select, locate and purchase a new site or farm for the county poor-house, and for the support, care and maintenance of the poor of the county, and to raise all necessary sums of money upon the taxable property of the county to defray the expense and cost of the purchase of such new site and farm, and to carry out the provisions of this section over and above the amount that shall be realized from the sale and disposal of the old site and farm, and such moneys as may be in the hands of the county treasurer of the county applicable to such purchase. And the board may also, at any such meeting, provide for the erection of a new county poor-house, and other buildings to be used in connection therewith, and for the levy of a tax upon the taxable property of the county, to raise the necessary sums of money to defray the expense thereof. In case there shall be no chairman of the board of supervisors at a time when any notice required by this section is to be served, or any call of a meeting to be made by such chairman, the clerk of the board of supervisors, if there be one, or, if not, any member of the board of supervisors designated by such petitioners, shall serve the notices and call the meetings required by this section to be served or called by the chairman.

Power to sell property, purchase site, etc.

Erection of new poor-house.

Provision in case of no chairman of board.

§ 2. Section seven of said chapter is hereby amended so as to read as follows:

§ 7. The counties of New York and Kings are hereby exempted from the provisions of this act. Counties exempted.

§ 3. Section eight of said chapter is hereby amended so as to read as follows:

§ 8. All acts and parts of acts providing for the removal of the site of any county building or buildings, are hereby repealed. Repeal.

§ 4. This act shall take effect immediately.

CHAP. 6.

AN ACT to amend chapter two hundred and seventeen of the laws of eighteen hundred and eighty-eight, entitled "An act to incorporate the Masonic Hall Association of the city of Buffalo."

APPROVED by the Governor February 4, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eight of chapter two hundred and seventeen of the laws of eighteen hundred and eighty-eight, entitled "An act to incorporate the Masonic Hall Association of the city of Buffalo," is hereby amended so as to read as follows: Charter amended.

§ 8. If the amount of money and property received by said corporation by voluntary gift and subscription should not be sufficient to pay for the land and the construction of a suitable building thereon, the said corporation shall have authority to issue its bonds, bearing interest semi-annually, for such additional sum as shall be required to pay for such land and building, and to execute to such trustee or trustees Authority to issue bonds, mortgage property, etc.

all such town officers as are to be elected by ballot at such election, which notice shall be printed and posted in five public places in said town and published in at least two newspapers published in said town at least five days before the holding of such annual town election, which election shall be on the same day as that on which the annual town meeting is or shall be hereafter held.

§ 2. Section seven of said act is hereby amended so as to read as follows:

Vacancies
in
inspectors.

§ 7. In case of a vacancy in the said board of inspectors caused by the absence or inability of any town officer, the inspector or inspectors who may be present are hereby authorized to fill all such vacancies by appointment from among the electors of such town for the time being, and the persons so appointed shall take the oath of office as hereinafter provided.

§ 3. Section thirteen of said act is hereby amended so as to read as follows:

Opening
and closing
of polls.

§ 13. Before the electors shall proceed to vote for any town officers at such annual town election, proclamation shall be made of the opening of the polls and when the polls will be closed and the polls shall be kept open from sunrise to sunset.

§ 4. Section fifteen of said act is hereby amended so as to read as follows:

Canvass of
votes.

§ 15. As soon as the polls of an election shall have been finally closed the said board as such inspectors shall proceed publicly to canvass the votes and shall continue such canvass without adjournment or interruption until the same shall have been completed.

§ 5. Section sixteen of said act is hereby amended so as to read as follows:

Statement
and an-
nounce-
ment of
result.

§ 16. When the canvass shall have been completed and the result ascertained, a statement of all the votes taken and the number received by each candidate shall be made in writing and certified to by said board as such inspectors, and they shall securely attach to such statement one ballot of each kind found to have been cast for the officers to be chosen at such election, and the result of said election shall be immediately announced and publicly read, and such reading and announcement shall be deemed notice of the result of such election.

Repeal.

§ 6. Sections one, two, three, six, eight, nine, ten, eleven, twelve, seventeen, eighteen, nineteen, twenty, twenty-one and twenty-two of said act are hereby repealed.

§ 7. This act shall take effect immediately.

CHAP. 9.

AN ACT to amend chapter fifty-nine of the laws of eighteen hundred and eighty-two, entitled "An act to incorporate the Buffalo Merchants' Exchange."

Approved by the Governor February 10, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

SECTION 1. Section nine of chapter fifty-nine of the laws of eighteen hundred and eighty-two, entitled "An act to incorporate the Buffalo Merchants' Exchange," as amended by chapter four hundred and thirty-

two of the laws of eighteen hundred and eighty-four, and by chapter five hundred and forty-nine of the laws of eighteen hundred and eighty-seven, is hereby amended so as to read as follows:

§ 9. It shall be lawful for the board of trustees, at any time, to invest any surplus funds in the treasury, over and above the amount necessary to pay all outstanding indebtedness of said corporation, in the stock or bonds of the board of trade of the city of Buffalo, or in any securities in which the savings banks in this state are by law authorized to invest. The said board may borrow money for and on behalf of said Buffalo Merchants' Exchange not exceeding fifty thousand dollars, and invest the same in the stock or bonds of said board of trade of the city of Buffalo, and may pledge any stocks or bonds of said board of trade, now or hereafter owned by said Buffalo Merchants' Exchange, as collateral for the payment of money that may be so borrowed.

Investment of surplus funds.

May borrow money and invest same.

§ 2. This act shall take effect immediately.

CHAP. 10.

AN ACT to amend chapter four hundred and twenty-five of the laws of eighteen hundred and fifty-five, entitled "An act to facilitate the forming of agricultural and horticultural societies," in relation to extending the period of corporate existence.

APPROVED by the Governor February 10, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter four hundred and twenty-five of the laws of eighteen hundred and fifty-five, entitled "An act to facilitate the forming of agricultural and horticultural societies," is hereby amended to read as follows:

§ 1. Any ten or more persons of full age, citizens of the United States, and a majority of whom shall be citizens of this state, who shall desire to form a county or town agricultural society in any county, city or village in this state, may make, sign and acknowledge, before any officer authorized to take the acknowledgment of deeds in this state, and file in the office of the secretary of state, and also in the office of the clerk of the county in which the business of such society is to be conducted, a certificate in writing, wherein shall be stated the name and title whereby such society shall be known in law, the particular business and objects of such society, the number of trustees, directors or managers to manage the same, and the names of such trustees, directors or managers thereof for the first year of its existence. If any such certificate shall fix the period of the existence of any corporation or society formed under this act, such corporation or society may, at any time within three years before the expiration of such period, extend the term of its existence beyond the time specified in such original certificate or in any certificate of extension of its corporate existence, by the consent of the stockholders owning two-thirds in amount of its capital stock, or if not a stock corporation, by the consent of two-thirds of its members, in and by a certificate signed and acknowledged by them and filed in the offices in which the original certificates of its incorporation were filed; and the officer with whom the same may be filed shall thereupon record them in the

Societies, how formed.

Extension of corporate existence.

Certificate to be made and filed.

books kept in their respective offices for the record of such certificates, and make a memorandum of such record in the margin of the record of the original certificate, if recorded, and thereupon the term of existence of such corporation or society shall be extended, as designated in such certificate, for a term not exceeding the term for which it was incorporated in the first instance.

§ 2. This act shall take effect immediately.

CHAP. 11.

AN ACT to amend chapter two hundred and seventy-eight of the laws of eighteen hundred and ninety, entitled "An act to provide a rifle range for the national guard, and making an appropriation therefor."

Became a law without the approval of the Governor, in accordance with the provisions of article four, section nine, of the Constitution, February 11, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter two hundred and seventy-eight of the laws of eighteen hundred and ninety, entitled "An act to provide a rifle range for the national guard, and making an appropriation therefor," is hereby amended so as to read as follows:

Acquisition of property.

§ 2. Said board is authorized to acquire such property by purchase, or in case of inability to purchase for a price deemed reasonable by the board, then by proceedings to be conducted in the manner provided for the condemnation of real property by the Code of Civil Procedure.

CHAP. 12.

AN ACT to amend chapter three hundred and fifty-nine of the laws of eighteen hundred and eighty-two, entitled "An act to amend and consolidate the charter of the village of Waterloo, Seneca county, New York."

APPROVED by the Governor February 11, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter amended.

SECTION 1. Section nineteen of title two of chapter three hundred and fifty-nine of the laws of eighteen hundred and eighty-two, entitled "An act to amend and consolidate the charter of the village of Waterloo, Seneca county, New York," is hereby amended so as to read as follows:

Polls, opening etc., of.

§ 19. The polls of the election shall be opened at nine o'clock forenoon, and shall be kept open without intermission until five o'clock in the afternoon, at such places in each ward as the trustees shall appoint, when they shall be finally closed; and the inspectors shall forthwith, without adjournment, canvass the votes received by them, and shall make and certify a statement thereof, which shall be filed with the clerk of the village.

Canvass of votes.

§ 2. This act shall take effect immediately.

CHAP. 13.

AN ACT authorizing the treasurer of the city of Buffalo to hold assessment-roll number seven thousand and sixty-two, for paving Sycamore street, and to cancel certain added interest.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine, of the Constitution, February 12, 1891.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The treasurer of the city of Buffalo is hereby authorized and directed to hold assessment-roll number seven thousand and sixty-two, entitled "Assessment-roll for paving Sycamore street, twenty-eight feet wide, with A. L. Barber's genuine Trinidad asphalt pavement from the easterly curb line of Fillmore avenue to the westerly line of Miller avenue, except the crossing of the railroad tracks," until such time as the work of paving said street shall be commenced in the year eighteen hundred and ninety-one, and to treat said roll and proceed with the same in all respects as if filed with said treasurer on the day when said work shall be commenced, and to cancel all interest added to assessments in said roll prior to such time.

Holding of
assessment-roll.

Cancellation of
interest.

§ 2. This act shall take effect immediately.

CHAP. 14.

AN ACT authorizing the treasurer of the city of Buffalo to hold assessment-roll number seven thousand six hundred and fifty-six for paving Clinton street, and to cancel certain added interest.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine, of the Constitution, February 12, 1891.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The treasurer of the city of Buffalo is hereby authorized and directed to divide assessment-roll number seven thousand six hundred and fifty-six, entitled "Assessment-roll for paving Clinton street, forty-two feet wide with A. L. Barber's genuine Trinidad asphalt pavement from the east curb line of Jefferson street to the city line, excepting all paved crossings and spaces occupied by street railway tracks, bridges and railroad tracks," into two parts, in such manner that the first part shall contain all the assessments upon lands lying between the east curb line of Jefferson street, and the west curb line of Fillmore avenue; and shall be numbered seven thousand six hundred and fifty-six; and the second part shall contain all the remaining assessments in the roll to be divided, and shall bear the required number, and the city treasurer is hereby authorized and directed to hold said second part until the work of paving said street from said east curb line of Fillmore avenue to the city line shall be commenced in the year eighteen hundred and ninety-one, and to cancel all interests added to assessments in said second part, and to proceed with said

Division of
assessment-roll.

Part to be
held, interest
canceled, etc.

second part in all respects as if the same were a separate roll and had been delivered to him on the day when the work of paving said street from the east curb line of Fillmore avenue to the city line was commenced; and to proceed with the first part as if it were a separate roll.

§ 2. This act shall take effect immediately.

CHAP. 15.

AN ACT to amend chapter one hundred and ten of the laws of eighteen hundred and ninety, amending chapter twenty-six of the laws of eighteen hundred and eighty-five, entitled "An act to revise, amend and consolidate the several acts in relation to the city of Syracuse, and to revise and amend the charter of said city."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine, of the Constitution, February 12, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter amended.

SECTION 1. Section two of chapter one hundred and ten of the laws of eighteen hundred and ninety, entitled "An act further to amend chapter twenty-six of the laws of eighteen hundred and eighty-five, entitled 'An act to revise, amend and consolidate the several acts in relation to the city of Syracuse, and to revise and amend the charter of said city,'" is hereby further amended so as to read as follows:

Election of officers in certain wards.

§ 2. At the charter election in the year eighteen hundred and ninety-one aldermen shall be elected in the twelfth, thirteenth and fourteenth wards. The term of office of the aldermen for the twelfth and fourteenth wards at such election shall be one year. Thereafter the term of office of the aldermen elected for such wards shall be two years. A commissioner of common schools shall be elected at the charter election in the year eighteen hundred and ninety-one in the tenth, twelfth, thirteenth and fourteenth wards. The term of office of the commissioners of schools elected for the tenth, twelfth and fourteenth wards at such election shall be one year. Thereafter the term of office of the school commissioners elected for such wards shall be two years. The term of office of the school commissioner elected for the thirteenth ward shall be two years. A supervisor, constable and inspectors of election shall be elected at the charter election in the year eighteen hundred and ninety-one in the twelfth, thirteenth and fourteenth wards; and said twelfth, thirteenth and fourteenth wards shall thereafter be subject to and governed by the same laws, ordinances, rules and regulations, and entitled to the same rights, privileges, franchises and immunities as the other wards of said city of Syracuse as constituted at the time this act takes effect.

Wards subject to laws, etc.

§ 3. This act shall take effect immediately.

CHAP. 16.

AN ACT to authorize the county of Ulster to issue bonds for the payment of its indebtedness to the several towns of said county which have issued bonds in aid of the construction of railroads and in compromise of the legal proceedings now pending in reference to such indebtedness.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine, of the Constitution, February 16, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be the duty of the treasurer of the county of Ulster, within thirty days after the passage of this act, to borrow on the credit of said county the sum of ninety-eight thousand two hundred and twenty dollars, for the purpose of paying the indebtedness of said county to the several towns in said county which have heretofore issued their bonds in aid of the construction of railroads in said towns, and in compromise and settlement of the legal proceedings now pending in reference to such indebtedness.

Treasurer
to borrow
money.

§ 2. The payment of the money so borrowed shall be secured by issuing of bonds of said county, signed by the chairman of the board of supervisors and by the treasurer of said county. Such bonds shall be of such denominations as said chairman and said treasurer shall determine, and shall bear interest at such rate as shall be determined by said chairman and treasurer to be for the best interest of said county, not exceeding four per centum per annum. Of the principal of said bonds, the sum of ten thousand dollars shall become due and payable on the first day of March, eighteen hundred and ninety-two; and not more than ten thousand dollars in each year thereafter until the whole is paid.

Issue of
bonds.

When
payable.

§ 3. The said bonds so issued shall be sold at public auction at not less than par value, after public notice of such sale in at least two newspapers printed and published in said county not less than ten days prior to the time of such sale; and the money so borrowed or realized on the sale of said bonds shall be applied by the treasurer of said county to the purposes mentioned in the first section of this act in the manner following, namely: He shall pay to the treasurer of the city of Kingston, the sum of twelve thousand nine hundred and sixty-six dollars; to the supervisor of the town of Wawarsing, the sum of four thousand dollars; and to the attorneys of record, for the supervisors of the several towns which have brought suit against the said board of supervisors, for or on account of said indebtedness, the following sums respectively: Gardiner, the sum of seven thousand three hundred and ninety-four dollars; Shawangunk, the sum of seven thousand two hundred and fourteen dollars; Ulster, the sum of seven thousand eight hundred and four dollars; Rosendale, the sum of twelve thousand and seventeen dollars; Olive, the sum of sixteen thousand one hundred and eighty-one dollars; Shandaken, the sum of eighteen thousand two hundred and seventy-six dollars; and New Paltz, the sum of ten thousand three hundred and ninety-eight dollars; and said treasurer shall pay to the several attorneys of record in said cases the costs and disbursements exclusive of counsel fees incurred therein, and the expenses of the settlement thereof, which are fixed and adjusted at the

Sale of
bonds.

Payments
to city and
towns.

To attor-
neys of
record.

Payments,
full settle-
ment of
claims,
etc.

sum of nineteen hundred and seventy dollars; and said sums so paid shall be a full settlement and satisfaction of all claims of said towns and said city, against the said county of Ulster, for or on account of moneys received by said county (prior to moneys collected by virtue of the tax-roll of eighteen hundred and ninety), for taxes on railroads, to build which bonds of said towns and city were issued, and shall compromise and discontinue all legal proceedings now pending by and between said towns and said county, or their respective representative, having reference to said moneys.

Tax to pay
bonds and
interest.

§ 4. The board of supervisors of said county shall raise such amount of money by tax upon the taxable property of said county as shall be sufficient to pay the principal and interest of said bonds as the same shall become due and payable, which amount so to be levied and collected shall be in addition to the amount that now is, or shall be authorized by law to be raised for other purposes.

§ 5. This act shall take effect immediately.

CHAP. 17.

AN ACT to amend chapter five hundred and eighteen of the laws of one thousand eight hundred and eighty-nine, entitled "An act to revise the charter of the village of Mount Morris."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine, of the Constitution, February 16, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

SECTION 1. Section one of chapter five hundred and eighteen of the laws of one thousand eight hundred and eighty-nine, entitled "An act to revise the charter of the village of Mount Morris," is hereby amended to read as follows:

Boundaries
of village.

§ 1. The district of country in the town of Mount Morris, county of Livingston and state of New York, comprised in the following bounds shall hereafter be known and distinguished by the name of "The Village of Mount Morris." That is to say.—Beginning at a point where the north line of the road which runs westerly from the state road to the Gibsonville ford on the Genesee river intersects the east line of the highway known as the Starr road, said road being situated directly east of the residence of Samuel Starr, and running on the same course with and parallel to Main street in the village of Mount Morris. Running thence from said starting point north twenty degrees west along the east line of said Starr road to the north line of the Parker road so called, being the south line of lands of John Olp. Thence easterly along the north line of said Parker road and the south line of said Olp's lands, to the north-west corner of lands of John C. Witt. Thence easterly along the north line of said Witt's lands and the south line of the Murray Hill property to the east line of said Murray Hill property. Thence northerly along the east line of said Murray Hill property to the south bank of the Genesee river. Thence easterly along the south bank of the Genesee river to a stake. Thence south twenty degrees east parallel to Main street in said village, passing through the point formed by the intersection of the south line of the Genesee road with the east line of the Delaware, Lackawanna and Western Railroad Com-

pany's line to a stake set in the north bank of Buck Run creek. Thence westerly along the north bank of Buck Run creek and gully to a stake set at the point where the east line of the Starr road above described, if extended, would intersect the north bank of Buck Run; and thence north twenty degrees west parallel to Main street in said village to the point of beginning.

CHAP. 18.

AN ACT to amend chapter fifty-five of the laws of eighteen hundred and ninety, entitled "An act to incorporate the city of Gloversville."

APPROVED by the Governor February 18, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six of title eleven of chapter fifty-five of the laws of eighteen hundred and ninety, entitled "An act to incorporate the city of Gloversville," is hereby amended so as to read as follows:

§ 6. The annual election for school officers in said city, after said first election, shall be held on the second Tuesday of September of each succeeding year, and there shall be elected each year at such election three members of the board of education of said city for a term of three years each, and such other members to fill vacancies as shall have occurred during the preceding year for the unexpired term of any member whose office shall become vacant. Public notice of every annual or tax election held under this title shall be given by the board of education by a notice signed by its president and clerk, which notice shall be published in the official newspapers of said city at least once in each week for two consecutive weeks immediately preceding such election. The board of education shall each year designate at least three polling-places in as many separate wards at which such annual election shall be held and the particular ward for which each particular polling-place shall serve, and the same shall be set forth in said notice, the officers to be elected thereat, together with the terms for which they are to serve respectively. The clerk of the board of education shall, each year, and at least ten days before the date of such annual election, notify the inspectors of the election districts in which each of the said polling places so designated are situated, by a notice mailed to each of them in the post-office of said city of every such election and polling places designated by the board. The inspectors of each of said election districts shall preside and conduct said annual election at the places in their respective districts designated as aforesaid, and their powers and duties in respect thereto shall be determined and regulated by the provisions of this act in respect to the holding of the annual city elections for city officers, except as modified by this title. Said election shall be opened at each polling place at ten o'clock in the forenoon, and shall be kept open without intermission or adjournment until four o'clock in the afternoon, when the same shall be finally closed, and the inspectors shall forthwith, without intermission or adjournment, canvass all the votes cast, declare and make a statement of the result, as required by this act in the case of annual city elections for city officers, and shall forthwith file such statements of the result with the clerk of the board of education

Charter amended.

Annual school election.

Notice of annual or tax elections.

Polling places.

Notice to inspectors.

Powers and duties of inspectors.

Election, how held and conducted.

Qualifications of voters.

of said city. Every inhabitant of said city who, at the time and place of offering his or her vote, shall be qualified to vote for school officers under the general laws of this state relating to public schools, shall then and there be entitled to vote at such election; but no such inhabitant shall vote at any polling place except that designated for the ward in which he or she shall reside at the time of offering such vote, and shall have so resided for at least thirty days immediately prior to such election.

§ 2. Section nine of title eleven of said act is hereby amended so as to read as follows:

Quorum and pay of board.

§ 9. A majority of the board of education shall constitute a quorum for the transaction of business. The members of said board shall receive no compensation, directly or indirectly, for their services. They shall appoint a clerk who shall hold office during the pleasure of the board, and whose compensation shall be fixed by said board. The clerk shall keep a record of the proceedings of said board, and shall perform such other duties as the board may prescribe. Subject to the provisions of this act, said board shall have power, and it shall be their duty:

Clerk.

Power of board.

To establish schools.

Purchase and repair of property.

Books and apparatus.

Custody of buildings, etc.

Teachers.

Teachers' wages.

Superintendent.

Contingent expenses.

Expenditure of moneys.

Licensing of teachers.

Appropriation of property.

1. To establish and organize in said city such and so many free schools, including night schools, as said board shall deem requisite and expedient, and to change or discontinue the same in their discretion.

2. To purchase or hire, sell or dispose of, school-houses, lots and sites, as they may deem advisable.

3. To alter, improve and repair school-houses and appurtenances, as they may deem advisable.

4. To purchase, exchange, improve and repair school apparatus, books, furniture and appendages, and to defray the necessary expenses attending the same.

5. To have the custody and safe-keeping of the school buildings, lots, out-houses, books, furniture and appendages, and to see that the ordinances and by-laws of said city in relation thereto are enforced, and any violation thereof punished.

6. To contract with and employ all necessary teachers, and at their pleasure to remove them, under such rules and regulations as may be prescribed by law or by the department of public instruction of said state.

7. To pay the wages of teachers out of any money appropriated or provided by law for that purpose.

8. To employ a superintendent of instruction for said city and pay the wages or salary thereof out of any money provided for that purpose.

9. To defray the necessary contingent expenses of the board and said district, including wages of the clerk, janitors and other assistants and employes.

10. To expend all moneys raised by virtue of this act, or which may have been raised by either of the districts consolidated by this act for purchasing sites, erecting or enlarging school-houses, or for other purposes in such manner as they shall deem best, but only for the purposes for which the same was so raised, except as hereinafter provided.

11. To license, upon the recommendation of the superintendent of instruction of said city, all teachers employed in the schools of said city, in the same manner and with like effect in said city as school commissioners of counties.

12. To take and appropriate lands and other real property within said city for school purposes, upon making compensation therefor in the same manner and under the same proceedings as prescribed in this act, and as conferred upon the common council to take and appropriate lands for opening of streets and highways.

13. To have, to the exclusion of all boards and officers except the superintendent of public instruction of this state, the entire supervision and management of the schools of said city, and from time to time adopt, alter, modify or repeal, as they may deem expedient, rules and regulations for their organization, government and instruction, for the reception of pupils and their transfer from one school-room or house to another, for their advancement from class to class as their degrees of scholarship shall warrant, and generally for the promotion of the good order and prosperity of said schools.

Supervision of schools.

14. To allow the children of persons non-resident within the city to attend any of the schools therein under the control of the said board upon such terms as said resolution may prescribe.

Non-resident pupils.

15. To establish and maintain a city school library and to provide suitable rooms for the use of the same; and to employ and pay a librarian and assistants to have the care and supervision of the books and other publications belonging thereto, and superintend the letting out and return thereof. To exercise the same discretion as to the disposition of the moneys provided by law for the purchase of libraries as is conferred upon the inhabitants of school districts.

City school library.

16. Except as otherwise provided by this act, to exercise all the powers conferred upon the inhabitants of school districts at school district meetings.

Powers of inhabitants.

17. To organize, establish and maintain school savings banks, under the authority of and in conformity with any general law of the state in regard to such or similar institutions.

Savings banks.

18. Except as otherwise provided in this act, to exercise all the powers conferred and all the duties imposed by the general laws of the state applicable to boards of education in cities. The records of the proceedings of said board or a transcript thereof, certified by its president and clerk, shall be received in all courts or places as prima facie evidence of the facts therein stated.

Powers under general laws.

Records of board.

§ 3. Section ten, of title eleven of said act, is hereby amended so as to read as follows:

§ 10. Within fifteen days safter the first election under this title, and on or before the first day of May of each succeeding year, the board of education shall prepare a certificate of such sums of money as it may deem necessary for each of the following purposes, namely:

Annual certificate of sums necessary for school purposes.

1. For wages of superintendent and teachers, after applying all the public school and other moneys applicable thereto.

2. For the repair of school-houses, out-houses and grounds, with their appendages and appurtenances.

3. For the purchase, repair or improvement of school apparatus, books, furniture and fixtures.

4. For the purchase, maintenance and care of the city school library, but not to exceed two thousand dollars in any one year.

5. For the rent of school-houses and rooms for school purposes, the purchase of fuel and lights, and to pay the contingent expenses of the district, including the salaries of the clerk, janitors, and incidental expenses. Such certificate, within the time hereinbefore specified, shall be presented to the mayor or acting mayor of said city, and if he approves, he shall sign it, and immediately file the same with the city clerk; if he does not approve any item therein he shall, within five days, return the same to the president or clerk of the said board of education, with his objections indorsed thereon or annexed thereto. The board of education may then proceed to reconsider said certificate, and if two-thirds of all the members then in office agree to pass the

Action thereon by mayor.

Veto, how reconsidered.

Proceedings for approval or adoption of certificate.

same, it shall take effect the same as if it had been approved by the mayor, and shall be immediately filed with the city clerk. In case two-thirds of said members do not agree to pass the same, they shall thereupon present another certificate to conform as nearly as may be to the views of the mayor as expressed in his objections; and if he approves it he shall sign the same, but if he does not approve any item thereof he shall, within twenty-four hours, return the same with his objections as before. The board of education shall continue to present certificates as aforesaid until the mayor's approval is obtained, or until two-thirds of its members agree to pass the same over his objections. Such annual certificate so approved or adopted shall be filed with the city clerk, and the common council of said city shall include the same in the annual city tax and assessment-roll for that year, and the amount so certified shall be collected by the chamberlain and be credited to the various funds as designated in said certificate. Whenever any such sum or sums shall have been so certified and filed with the city clerk, the city chamberlain shall have authority and it shall be his duty to borrow upon the faith and credit of said city the amount so certified, or any part thereof which may be necessary to meet the orders of the board of education upon him in paying the current expenses of said district.

Filing and collection of sums certified.

Borrowing of amounts certified.

§ 4. Section eleven of title eleven of said act is hereby amended so as to read as follows:

Funds to be paid to chamberlain

How disbursed.

Moneys not to be diverted.

§ 11. All public moneys or public funds belonging or appropriated to the use of said district, shall be paid to the chamberlain of said city, who shall keep the same separate from the general funds of the city, and shall credit to each of the school funds the moneys or property belonging thereto. The board of education shall disburse all the funds of said district by orders upon the chamberlain, signed by its clerk and countersigned by its president. Said orders shall be numbered consecutively, and shall specify the purposes for which they are drawn, the person to whom payable and the particular school fund to which they are chargeable. Upon request from said board the chamberlain shall certify from time to time the various balances remaining to the credit of any or all of said funds. Whenever any moneys are collected by or paid to the city chamberlain for school purposes, it shall not be lawful for said chamberlain to apply such money or any part thereof to any other purpose or object. And it shall not be lawful for the common council to direct or order him to do so.

§ 5. Section twelve of title eleven of said act is hereby amended so as to read as follows:

Resolutions for purchase of sites, etc.

Tax elections, how held and conducted.

§ 12. When the board of education shall determine by a resolution that it is necessary to purchase any site or addition to any site, or erect any school building, or enlarge any school building already erected, it shall specify in such resolution the ward within such which such site is to be purchased, or building erected or enlarged, and the particular sum required for each separately. They shall then call a tax election in said city in the same manner as provided in this act for the calling of tax elections by the common council. Such tax elections may be held at the same time and with any other election within said city. The clerk of the board of education shall notify the inspectors of the holding of such tax election in the same manner and within the same time that the city clerk is required to notify them in cases of tax elections called by the common council. The inspectors shall thereupon proceed to hold such election pursuant to such resolution in the same manner as in holding other tax elections under this act; and the qualifications of

the electors thereat shall be the same as provided in section six of this title. When such election is not held at the same time and with a city or school election, or a tax election called by the common council, the board of education shall designate the polling-places as at other school elections, and such election shall be held by the same inspectors as under like designation for an annual school election, and during the same hours and in the same manner. Each elector at every such tax election shall vote only at the polling-place designated for the ward in which he resides, and shall have resided for the thirty days immediately prior to said tax election. The vote shall be taken by ballot, which shall be indorsed "school tax," and shall be deposited in a separate ballot box provided therefor and marked "school tax." The board of education shall, at every such tax election, provide sufficient printed ballots for the use of the electors thereat, upon which shall be printed the several items or objects to be voted for thereat, with the words "for" and "against" at the beginning of each item. Each elector shall indicate his vote as to each of said items by erasing or drawing a mark through the one or the other of said words. The inspectors shall canvass the said votes without intermission or adjournment as at other elections, and make a statement thereof in respect to each item voted upon, and immediately file the same with the clerk of the board of education. Upon the day following such tax election the board of education shall convene at its usual place of meeting, at seven o'clock in the evening, and the statement from each polling-place shall be produced, and the board shall forthwith declare and make a certificate in writing of the result. In case a majority of the votes cast be in favor of any said taxes, the board of education shall have authority to borrow upon the faith and credit of said city the aggregate of the items having such majority, or any part thereof, at any time before and until the same can be provided for according to law. In case the sum or sums so authorized to be raised shall exceed the sum of five thousand dollars, the board of education shall issue bonds or other evidence of indebtedness in such form as it may prescribe for the amount exceeding such sum of five thousand dollars, at a rate of interest not exceeding six per centum per annum, and payable at the rate of five thousand dollars per year. Said bonds or any part thereof may be sold by the said board of education in such manner as they may deem best, but at not less than the par value thereof. The board of education shall, on or before the first day of May in each year, make and file with the city clerk a statement of the amount necessary to be raised to pay the interest and principal that will become due during the ensuing year upon the bonds or obligations so issued by said board, and the common council shall include the same in the annual city tax and assessment-roll for that year. Such amount shall be collected by the chamberlain and credited to the "loan fund." The common council, upon receiving the certificate of the result of any such tax election from the board of education, at which any money was voted to be raised, shall include five thousand dollars of the amount so authorized to be raised, or any less sum which may have been so authorized in the next levy and assessment-roll for the collection of taxes in said city, except that whenever any such tax election may have been held and money voted to be raised there shall be outstanding and unpaid any bonds or evidences of indebtedness issued in accordance with the provisions of this section, the board of education shall borrow in the same manner as hereinbefore provided, the whole amount voted at such tax election, but no bonds or other

Ballots and
ballot-
boxes.

Canvass of
votes and
declaration
of result.

Borrowing
of money
upon favor-
able vote.

Issue of
bonds.

Annual
statement
of amount
to be
raised.

Collection.

Council to
include
amount in
tax levy.

Annual tax limited. obligations shall be made to mature at such a time as will make the amount to be raised by tax for this purpose in any one year exceed five thousand dollars of principal, and the interest on all such bonds or obligations remaining unpaid. This shall not be construed to affect any obligation made prior to the passage of this act. The board of education, after completing the work or other objects for which the said money may have been raised, may apply any unexpended balance that may remain to any object authorized or contemplated by this section.

Application of balances. § 6. Section thirteen of title eleven of the said act is hereby amended so as to read as follows:

Annual report of board of education. § 13. It shall be the duty of the board of education, on or before the first day of September in each year, to make and publish in the official newspapers of the city a detailed report of the manner in which it shall have expended the money provided for and appropriated to school purposes from any source during the last fiscal year of the said board of education, also a full statement of the bonded or other indebtedness of the district. The said board may also, as soon thereafter as practicable, make and publish, in such form as they shall consider advisable, such other and more extended report in relation to the affairs of the city schools as in their judgment may be of interest to the inhabitants thereof.

§ 7. This act shall take effect immediately.

CHAP. 19.

AN ACT to enable the village of Goshen to issue bonds for certain purposes.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine, of the Constitution, February 19, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Issue of bonds authorized. SECTION 1. The president and trustees of the village of Goshen, or a majority of them, are hereby authorized and empowered to execute and deliver to the village treasurer, four one thousand dollar bonds of said village of Goshen, payable to bearer, bearing interest at a rate not exceeding five per centum per annum, and falling due respectively the first days of July in the years eighteen hundred and ninety-two, eighteen hundred and ninety-three, eighteen hundred and ninety-four and eighteen hundred and ninety-five.

Sale of bonds. § 2. Said bonds shall be sold at public auction to the highest bidder, for not less than par, and shall be sold by the village treasurer at such time and place as he may designate by notice published once a week for three weeks successively next before the day of sale, in two newspapers printed and published in said village of Goshen; and such notice shall be sufficient.

Proceeds, who to receive. § 3. Said treasurer shall receive the purchase price of said bonds, which shall thereupon become valid and binding against said village, and he shall deposit said moneys in the village treasury, and the same, together with sufficient moneys to be raised by assessment and taxation in the year eighteen hundred and ninety-one, shall be applied in payment and satisfaction of three certain judgments heretofore recov-

Application thereof.

ered by Cornelia H. Bishop, against the village of Goshen, and now amounting, with interest, to upwards of five thousand dollars, and to no other use or purpose whatever.

§ 4. This act shall take effect immediately.

CHAP. 20.

AN ACT to amend chapter one hundred and fifty of the laws of eighteen hundred and seventy-two, entitled "An act to incorporate the city of Kingston."

APPROVED by the Governor February 20, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven of chapter one hundred and fifty of the laws of eighteen hundred and seventy-two is hereby amended so as to read as follows: Charter amended.

§ 1. An election shall be held in each of the wards of said city, on the first Tuesday succeeding the first Monday of November, in the year eighteen hundred and ninety-one, and in each year thereafter. Annual city election.

§ 2. Section eight of said act is hereby amended so as to read as follows:

§ 8. Public notice of the time and place of all future elections for city officers shall be given by the mayor and common council, by publishing the same in the newspapers in said city, which, under the provisions of this act, shall be designated as official newspapers, and by posting printed notices thereof in at least two public places in each ward hereby designated and defined, at least two weeks before the time of holding such election. Election notices.

§ 3. Section nine of said act is hereby amended so as to read as follows:

§ 9. The city clerk shall give notice in writing of every election under this act to the inspectors of election of the several election districts in said city, at least one month before the day of election, and said inspectors shall proceed as provided by the general laws of the state in relation to elections other than in towns. Notice to inspectors, etc.

§ 4. Section ten of said act is hereby amended so as to read as follows:

§ 10. The polls of election in the several election districts shall be opened at eight o'clock in the morning of the day of election, and shall be kept open without intermission or adjournment, until five o'clock in the afternoon, when they shall be finally closed, and the inspectors shall forthwith, without adjourning, canvass the votes received by them, and make, file and deliver duplicate statements thereof, as provided by the general laws of the state. Except that whenever a ballot shall be defective in any particular affecting alone the election of an officer under the city government, such defective ballot shall be attached to the duplicate filed with the city clerk. Polls opening and closing of.
Canvass and statements of votes.

§ 5. Section eleven of said act is hereby amended so as to read as follows:

§ 11. On the Monday next following the election for city officers in each year thereafter, the common council then in office shall convene at ten o'clock in the forenoon in the common council chamber in the Declaration of result by council.

city hall, and the statement of votes filed with the city clerk shall be produced by the clerk. The common council shall then forthwith determine, declare and certify who were duly elected at said election to the various offices hereinbefore named, which certificate shall be filed with the city clerk. All the city officers elected under this act shall enter upon their respective offices on the first day of January following the election at noon of such day. And the common council, composed of the mayor and aldermen then elected and whose term of office shall not have expired, shall be organized at two o'clock in the afternoon of the first Friday of January in each year. Immediately upon filing with him of the certificate specified in this section, the city clerk shall notify in writing, every person so certified to have been elected, of his election. Every person elected to any office under this act, before entering on the same, shall take the oath of office prescribed by the constitution of this state before the mayor or some person authorized to take affidavits, to be read in courts of justice, and file the same with the city clerk, except the mayor, justices of the peace, recorder and clerk whose oath shall be filed with the clerk of Ulster county. If any person appointed or elected to any office under the provisions of this act shall not, within ten days after the notification of his election or appointment, take the required oath of office, and file the same with the city clerk, and give the security required of him by the provisions of this act, or lawfully required of him by the common council, the common council may treat such neglect or omission as a refusal to serve, and declare vacant the office to which such person was elected or appointed, in which case the vacancy shall be forthwith filled as herein provided; and such person, for such neglect or refusal, shall also forfeit to the use of the corporation the sum of twenty-five dollars, to be recovered in the corporate name of said city. At said first election and at each subsequent election under this act, the common council shall fill any office by appointment, in case of a tie vote, stating the fact of appointment in said certificate. All full terms of office filled either by election or appointment shall commence on the first day of January following the annual election, except as otherwise provided in this act.

§ 6. Section twelve of said act is hereby amended so as to read as follows:

§ 12. The terms of office of mayor and aldermen now in office, and such aldermen as may come into office by virtue of an election held March fourth, eighteen hundred and ninety, shall be two years and until their successors shall duly qualify. At each annual election hereafter, one alderman shall be elected for each ward, whose term of office shall be of the duration of two years, and at the annual election in the year eighteen hundred and ninety-one, there shall be voted for and elected a mayor who shall take his office at the expiration of the term of the mayor now in office, and shall hold the same until January one, eighteen hundred and ninety-three, at noon. At the general election to be held in eighteen hundred and ninety-three, and at every alternate year thereafter, there shall be a mayor elected who shall enter upon the duties of such office on the first day of January succeeding said election, at noon.

§ 7. Section fifteen of said act is hereby amended so as to read as follows:

§ 15. One assessor shall be elected at each election hereafter, whose term of office as well as the terms of office of such assessors as are now in office, shall be three years and until his successors shall qualify; not

Entry upon
duties.

Organiza-
tion of
council.

Notice to
persons
elected.

Oaths of
office.

Offices,
when
may be
declared
vacant.

Forfeiture
for refusal
to serve.

Appoint-
ments in
case of
tie vote.

Full terms,
when to
commence.

Mayor and
aldermen,
terms of.

Election
thereof.

Assessors,
election
and terms
of.

more than one assessor shall be a resident of any one department as hereinbefore provided. The compensation of each assessor for performing all the duties prescribed and specified in the said act in relation to the assessment of property within the city as well as for the purpose of levying the taxes imposed by the supervisors of Ulster county, as by the common council of the city of Kingston, and for the making and levying of all special assessments as provided in said act, shall be fixed by the common council, and shall not exceed the sum of three hundred and fifty dollars a year.

Compensation.

§ 8. Section sixteen of said act is hereby amended so as to read as follows:

§ 16. All officers appointed or elected under this act, including supervisors, except mayor, recorder, justices of the peace, assessors and aldermen, also and except as further excepted in this act, shall hold their offices for one year, and until their successors shall qualify. But the common council may remove any officer for cause, and may fill all vacancies in office by appointment; but no elective officer shall be removed without notice of the charges against him, and an opportunity to be heard in his defense. And if a vacancy shall happen in an elective office, the common council shall fill the same by appointment until the next annual election, when the residue of the term of office, if there be any unexpired, of the officer whose term shall have become vacant, shall be filled by some person to be elected to such office for the residue of such term, according to the provisions of this act.

Terms of officers.

Removals for cause.

Vacancies, how filled.

§ 9. This act shall take effect immediately.

CHAP. 21.

AN ACT making appropriations for rebuilding and repairing buildings and walls recently destroyed or damaged by fire at Clinton prison; for plumbing therein, for providing and placing therein apparatus for heating and lighting, and for the erection of a bath-house, and for plumbing therein.

APPROVED by the Governor February 23, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of one hundred and forty-three thousand four hundred and forty-five dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, payable by the treasurer upon the warrant of the comptroller, to the order of the superintendent of state prisons, as he may require the same, for rebuilding and repairing buildings and walls recently destroyed or damaged by fire at Clinton prison; for plumbing therein, and for providing and placing therein apparatus for heating and lighting; and the further sum of eighteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the same fund, payable as above provided, for the erection of a bath-house, and for plumbing therein.

Appropriation.

§ 2. The work herein provided for shall be performed and the materials therefor purchased upon contracts therefor to be approved by the superintendent of state prisons and to be entered into by the low-

Contracts for work and materials.

Plans.

est responsible bidder or bidders therefor after suitable advertisement, which contracts shall provide for the completion thereof within the limits of these appropriations and in accordance with plans and specifications thereof to be prepared by the commissioner of the new capitol and approved by the superintendent of state prisons.

§ 3. This act shall take effect immediately.

CHAP. 22.

AN ACT to authorize the treasurer of the city of Buffalo to divide assessment roll number one thousand six hundred and thirty-seven for paving Tonawanda street and to cancel certain interest.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, February 24, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Division of
assessment
roll.

Part to be
held, in-
terest can-
celed there-
on, etc.

SECTION 1. The treasurer of the city of Buffalo is hereby authorized and directed to divide assessment roll number one thousand six hundred and thirty-seven, entitled assessment roll for paving Tonawanda street thirty feet wide between the northerly curb line of Amherst street and the southeasterly curb line of O'Neil street, excepting all paved crossings, bridges and railroad tracks, with Medina sandstone pavement, into two parts, in such manner that the first part shall contain all the assessments upon lands lying between the northerly curb line of Amherst street and the southeasterly curb line of Garfield street, and shall be numbered one thousand six hundred and thirty-seven, and the second part shall contain all the remaining assessments in the roll to be divided, and shall bear the required number. And the said treasurer is hereby authorized and directed to hold said second part until the work of paving said street from said southeasterly curb line of Garfield street to the southeasterly curb line of O'Neil street shall be commenced in the year eighteen hundred and ninety-one, and to cancel all interests added to assessments in said second part, and to proceed with said second part in all respects as if the same were a separate roll and had been delivered to him on the day when the work of paving said street from the southeasterly curb line of Garfield street to the southeasterly curb line of O'Neil street was commenced in eighteen hundred and ninety-one, and to proceed with the first part in all respects as if it were a separate roll.

§ 2. This act shall take effect immediately.

CHAP. 23.

AN ACT to improve the sanitary condition of the abandoned old Erie canal in the city of Rome, New York, and to provide a suitable outlet and free passage for the waters that flow therein.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, February 24, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The superintendent of public works is hereby authorized to sell and dispose of any material that may have been purchased under the appropriation made by chapter three hundred and seventy-one of the laws of eighteen hundred and eighty-eight, which is in his judgment improper or unfit to be used in carrying out the provisions of said act, and the money obtained from the sale of said material shall be used in carrying into effect the intentions and provisions of said act. Sale of materials.
Proceeds, how applied.

§ 2. This act shall take effect immediately.

CHAP. 24.

AN ACT to amend chapter three hundred and eighty-six of the laws of eighteen hundred and eighty-nine, entitled "An act to amend chapter fifty-eight of the laws of eighteen hundred and eighty-seven, entitled 'An act to revise and amend chapter two hundred and ninety of the laws of eighteen hundred and thirty-five, entitled 'An act to incorporate the village of Homer,' and the several acts which revise and amend the same.'"

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, February 24, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter three hundred and eighty-six of the laws of eighteen hundred and eighty-nine, entitled "An act to amend chapter fifty-eight of the laws of eighteen hundred and eighty-seven, entitled 'An act to revise and amend chapter two hundred and ninety of the laws of eighteen hundred and thirty-five, entitled 'An act to incorporate the village of Homer,' and the several acts which revise and amend the same,'" is hereby amended so as to read as follows: Charter amended.

§ 1. The village of Homer shall contain the lands bounded and described as follows: All of lot number forty-five in the town of Homer and county of Cortland, excepting and excluding therefrom on the eastern portion of said lot a strip of land in the form of a parallelogram, sixteen chains and fourteen links wide and one mile long, extending across the entire width of said lot. Said village shall also contain all that tract of land described as follows: Commencing at the intersection of the south town line of the town of Homer with the west bank of the Tioughnioga river, thence southerly along said bank to the orig- Village boundaries.

Corporate
name and
powers.

inal south line of Lorenzo L. Rood's farm, thence west along said Rood's original south line fifteen chains and eleven links, thence north on the line of lots fifty-four and fifty-five of the town of Cortlandville, forty-one chains and sixty-seven links to the said south line of the town of Homer, thence west on said town line twenty-three chains, thence north ten degrees east, one hundred and twenty-two chains and seventy-seven links to the south line of Frank Copeland's farm, thence east along the south line of said Copeland's farm, forty-six chains to the west bank of the said Tioughnioga river, thence southerly along said bank to the intersection of the line so drawn with the north line of lot number forty-five of the said town of Homer, thence east ten chains and eight links, thence south eighty chains, thence west twenty-eight chains and eighty-six links to the place of beginning. The lands above described shall hereafter be known and distinguished as "the village of Homer," and the inhabitants residing within the bounds aforesaid, shall hereafter be a body corporate by the name of "the village of Homer," and by that name they and their successors shall have perpetual succession, and shall be capable of suing and being sued, of complaining and defending in court, of making and using a common seal and altering the same at pleasure; and said corporation shall have power to hold, purchase and convey such real and personal estate as the purposes of its existence and continuance may require.

§ 2. This act shall take effect immediately.

CHAP. 25.

AN ACT to amend chapter four hundred and thirty of the laws of eighteen hundred and eighty-nine, entitled "An act to authorize the city of Cohoes to acquire and pay for lands necessary for altering, straightening and widening Saratoga street in said city, between Spring street and Main street."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, February 24, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of chapter four hundred and thirty of the laws of eighteen hundred and eighty-nine, entitled "An act to authorize the city of Cohoes to acquire and pay for lands necessary for altering, straightening and widening Saratoga street in said city, between Spring street and Main street," is hereby amended so as to read as follows:

City may
acquire
lands.

§ 1. The city of Cohoes, for the purpose of altering Saratoga street in said city so that the same may become straight and of the width of at least fifty feet at any and all points between Spring-street and the intersection of Main street with said Saratoga street, is hereby authorized and empowered to acquire title to and take such real estate, not the property of the state of New York or of any railroad corporation, as shall be necessary therefor, in the manner herein directed, and may assess the costs of the same upon property of said city, and pay such costs under and according to the provisions of this act.

§ 2. This act shall take effect immediately.

CHAP. 26.

AN ACT to legalize certain proceedings of the common council and the street commissioner of the city of Buffalo.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, February 24, 1891.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The several acts and proceedings of the street commissioner and of the common council of the city of Buffalo, in the matter of the appointment of Ceriac Diebold, John Grimm, Louis Netcher, John Schmidt, Henry Bulger, Henry Roesch, Matthew Deutcher, John Heckle, Michael Kelly, Henry Miller, G. A. Roehner, Jeremiah Saxe and J. S. Smith as street and health inspectors, are hereby legalized and confirmed; and the said common council is authorized to audit, and pay out of the appropriate fund, the claims of any and all of the above named persons which they or either, or any of them may have against the city of Buffalo for services rendered by them for said city as such street and health inspectors.

Acts in appointment of inspectors, legalized.

Audit of claims for services.

§ 2. This act shall take effect immediately.

CHAP. 27.

AN ACT to amend the charter of the United States Mortgage Company.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, February 24, 1891.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section nine of chapter nine hundred and twenty-four of the laws of eighteen hundred and seventy-one, entitled "An act to incorporate the United States Mortgage Company," is hereby amended to read as follows:

Charter amended.

§ 9. The first election of directors shall take place at a stockholders' meeting to be called by the corporators at the company's office in New York, at such times as the corporators shall for that purpose appoint, of which notice shall be given in one or more newspapers published in the city of New York for at least thirty days next previously. Each shareholder shall be entitled to cast one vote for each share of stock of said company standing on the books in his name. The corporators shall designate inspectors of such election, and the election shall be held and conducted according to the regulations concerning the election of directors of moneyed corporations contained in the Revised Statutes. The said first stockholders' meeting shall have power to make by-laws, which shall control the directors and officers of the company and regulate its affairs, and which may be amended or repealed by the stockholders at any subsequent meeting, provided always that nothing in the said by-laws shall be repugnant to this act, nor contrary to law.

First election of directors.

By-laws.

§ 2. This act shall take effect immediately.

CHAP. 28.

AN ACT to authorize the corporation of the city of Albany to close Cortland street in said city, between Ontario street and Partridge street.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, February 24, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Closing of
portion of
street.

SECTION 1. The corporation of the city of Albany is hereby authorized, whenever it shall deem the same advisable, to close up that part of Cortland street in the sixteenth ward of said city of Albany, situate between Ontario street and Partridge street. And whenever the common council of said city shall, under the authority of this act, by an ordinance passed in the usual manner, declare the portion of said Cortland street above described closed, the same thenceforth shall be closed, and the public shall no longer have a right of way over the same.

City may
release
right of
way.

§ 2. The said corporation may grant or release the right of way over the portion of the street hereby authorized to be closed, to the owners of the adjacent lots, in whom shall be the title to the soil of that portion of the street so closed up, at the time the same is closed.

Release of
claims by
property
owners.

§ 3. No ordinance shall be passed by the common council of the city of Albany closing any part of Cortland street, as authorized by section one of this act, until the owners of the property fronting on the portion of Cortland street so to be closed, shall have all executed and filed, with the clerk of the common council of the city of Albany, a release of all and every claim against the city of Albany on account of or arising out of the closing thereof, and until the owners of that strip of land known as Woodlawn avenue, as laid down on a map made by Horace Andrews, city engineer of the city of Albany in proceedings, entitled "in the matter of acquiring title to lands which are deemed necessary for the opening, continuing and extending of Myrtle avenue, Park avenue, Warren street, Mercer street, Providence street and Woodlawn avenue, from Quail street to Partridge street, in the city of Albany," shall execute and deliver to the clerk of the common council of the city of Albany for the city of Albany a conveyance or conveyances in fee simple absolute of said strip of land known as Woodlawn avenue to the city of Albany. Said strip of land as so conveyed to be at least seventy-five feet in width, its entire length, and to extend from Ontario street to Partridge street, on a line parallel to Cortland street and in continuation of said Woodlawn avenue as conveyed to the city of Albany by John Bridgeford and others, by deed dated September thirty, eighteen hundred and eighty-six, and recorded in the Albany county clerk's office, book of deeds number three hundred and eighty-six, on page three hundred and thirty-seven, et cetera. Said release and conveyance shall be first approved by the corporation counsel of the city of Albany, and shall not be filed as above provided unless indorsed with his written approval.

Convey-
ance of cer-
tain prop-
erty to
city.

Approval
by corpo-
ration
counsel.

§ 4. This act shall take effect immediately.

CHAP. 29.

AN ACT to make the office of sheriff of Madison county a salaried office and regulating the management of said office.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, February 24, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sheriff of the county of Madison next elected and thereafter to be elected, shall receive as compensation for his services an annual salary to be fixed by the board of supervisors of said county prior to the election of every such sheriff. The salary so fixed shall not exceed the sum of two thousand dollars per annum, and shall not be increased or diminished during the term for which such sheriff shall have been elected.

Sheriff
hereafter
elected,
salary of.

§ 2. It shall be the duty of said sheriff to perform all services which he is or shall be required or authorized by law to perform by virtue of or by reason of his holding such office for the state, for the county and for individuals, including his duties as officer of the courts, and no compensation, payment or allowance shall be made to him for his own use for any such services except the salary aforesaid.

To perform
all services
required
by law.

§ 3. All the fees, emoluments and perquisites which such sheriff shall charge or receive on* which he shall legally be authorized, required or entitled by law to charge or receive shall belong to the county of Madison. It shall be his duty to exact, collect and receive the full amount allowed by law of all such fees, emoluments or perquisites for said county, and such sheriff shall require payment in advance for all services rendered by him or by his under sheriff or deputies in his or their official capacity by virtue of any law of this state or by order of the court or by order of the board of supervisors of said county or any duty that may hereafter by law be devolved upon him that is not a county charge.

Fees to be-
long to
county.

Collection
thereof.

§ 4. In a proper book or books, to be provided at the expense of said county, such sheriff shall keep an exact and true account of all official services performed by him or his under sheriff or deputies, and all moneys, fees, perquisites and emoluments received or chargeable by him or them pursuant to law. Such book or books shall constitute a part of the records of said office, and shall at all times during office hours be open to the inspection, without fee or charge therefor, of all persons desiring to examine the same.

Books to
be kept.

Open to in-
spection.

§ 5. Such sheriff shall make a full and true statement for each calendar month of all moneys received each day by him or by under sheriff or deputies for fees, perquisites and emoluments for all services rendered by him or them in his or their official capacity, and shall transmit and deliver such statement to the county treasurer of said county within ten days from the expiration thereof, such statement shall be properly itemized and shall also show the total receipts for said month; every such statement shall have attached thereto an affidavit of said sheriff, in effect that the same is in all respects a full and true statement of all moneys by him received as herein required.

Monthly
statement
of fees.

Affidavit
thereto.

*So in the original.

Monthly
payment to
treasurer.

§ 6. At the time of rendering every such statement, such sheriff shall pay over to the county treasurer of the county of Madison for the benefit of said county the whole amount of the moneys so received by him since making the last preceding monthly statement.

Official
bond of
sheriff.

§ 7. Every sheriff elected or appointed in such county shall before entering upon the duties of said office, execute to the people of this state, and file and be recorded in the office of the county clerk of said county, a bond in such penal sum and with such sureties as shall be fixed and prescribed by the board of supervisors of said county. Such bond shall be conditioned that said sheriff shall well and faithfully discharge all the duties of his office and all trusts reposed in him by law or by virtue of his office, and shall safely keep and pay over to the said county treasurer as herein provided all moneys which shall come into his hands. Said bond shall be approved as to its form and sufficiency of sureties by the board of supervisors, and if any such sheriff shall neglect for thirty days to execute or file any such bond according to the provisions of this act, his office thereupon becomes vacant.

Failure to
file bond.

Under-
sheriff and
deputies.

§ 8. There shall be one under sheriff, and the board of supervisors shall have power to designate the number of deputy sheriffs in said county, and said sheriff shall appoint such undersheriff and such number of deputies as may be designated by said board of supervisors, and shall be responsible for their official acts, and the salaries of said sheriff, under sheriff and deputies shall be paid quarterly by the county treasurer of said county, and the board of supervisors shall fix the salary or compensation of said under sheriff and the deputy sheriffs.

Salaries,
when pay-
able.

Neglect to
account
for fees a
misdemeanor.

§ 9. Any officer referred to in this act who shall receive to his own use or neglect to account for any money, fees, perquisites or emoluments by this act declared to belong to any* and be for the benefit of the county of Madison, or who neglects to render to said county treasurer an account of all fees received or to pay over the same as herein required, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by fine or imprisonment, or both, at the discretion of the court, before whom such officer may be convicted, and shall be liable to said county in a civil action for all moneys so received and not accounted for.

Punish-
ment.

Liability to
county.

Bonds of
under-
sheriff and
deputies.

§ 10. The sheriff may require bonds, subject to his approval, from his undersheriff and deputies to secure him for the faithful performance of the duties and accounting for all fees, perquisites and emoluments.

Traveling
expenses.

§ 11. The board of supervisors of said county may, in their discretion, allow necessary traveling expenses, in criminal cases, to the sheriff of said county and his undersheriff and deputies, over and above their salaries that are fixed by said board of supervisors.

Repeal.

§ 12. All acts or parts of acts inconsistent herewith are hereby repealed.

* So in the original.

CHAP. 30.

AN ACT to make the office of sheriff of Wayne county a salaried office, and regulating the management of said office.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, February 24, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. From and after the first day of January, eighteen hundred and ninety-two, the sheriff of the county of Wayne shall be allowed a salary at the rate of twelve hundred dollars per year, which said salary shall be in full for all services and duties performed by him in summoning jurors, attending courts, serving criminal processes, transporting prisoners, keeping the county jail, receiving, discharging and boarding prisoners, and for all other services and duties performed by him, or which may be required of him by law to be performed for the county of Wayne. Such salary is to be paid to him by the county of Wayne in the same manner as the salaries of other county officers are paid.

Sheriff's salary in full for certain services.

§ 2. The said sheriff shall also be allowed and paid in like manner the sum of six hundred dollars to compensate one under sheriff, and the sum of five hundred dollars to compensate one deputy sheriff, or assistant, in keeping the jail. Said under sheriff and said deputy sheriff, or assistant are to be appointed and their duties prescribed by said sheriff.

Allowance for under sheriff and deputy.

Appointments.

§ 3. It shall be the duty of said sheriff to perform all the services and duties for said county required of him by law to be performed, and in addition to the salary and allowances provided in the foregoing sections he shall be further allowed his actual and necessary expenses in boarding and caring for prisoners, or that may be incurred by him in performing services for said county, outside the territorial limits of said county, such expenses are to be audited and paid as hereinafter provided.

Perform ance of service for county.

Expenses, allowance for certain.

§ 4. The said sheriff shall keep a correct and itemized account of all expenses incurred by him as mentioned in the last section in a book or books provided for that purpose at the expense of said county, each item of such account shall specify the date at which it was incurred, to whom paid, the place where paid, and the purpose for which it was paid, and shall also obtain a voucher for each item incurred by him so far as practicable. At the end of each calendar month, or within five days thereafter the said sheriff shall present a written, verified statement of all the items of his said expenses for such month to the chairman of the board of supervisors of said county, who shall thereupon and within five days thereafter examine such statement, and attach his certificate thereto certifying as to the correctness of said statement and what amount thereof he finds correct, and shall thereupon deliver said statement with his said certificate attached thereto to said sheriff, who may then present the same to the treasurer of the county of Wayne, whose duty it shall be forthwith to pay to said sheriff the amount certified to as correct by said chairman. In case any portion of the accounts of said sheriff, are not allowed by said chairman, the same may be adjusted by said board of supervisors.

Account thereof, to be kept.

Monthly statement.

Audit and payment of expenses.

Adjustment by supervisors.

Fund to
meet act.

§ 5. The said board of supervisors shall provide the said treasurer with an adequate fund to meet the requirements of this act.

Right to
charge
certain
fees.

§ 6. Nothing herein shall affect the right of said sheriff to charge the fees allowed by law for services rendered by him, other than for the said county of Wayne.

Repeal.

§ 7. All acts and parts of acts, inconsistent herewith, are hereby repealed.

CHAP. 31.

AN ACT authorizing the water commissioners of the village of Lansingburgh to borrow money on the credit of said village and to issue bonds therefor.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, February 24, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Commis-
sioners
may
borrow
money.

SECTION 1. The water commissioners of the village of Lansingburgh are hereby authorized to borrow upon the credit of said village the sum of fifteen thousand dollars, upon such terms of credit, not less than twenty nor more than fifty years, as such commissioners shall determine and at a rate of interest not exceeding five per centum per annum; and to secure such loan the said water commissioners are hereby authorized to issue bonds of said village, signed by the chairman and secretary of said board and countersigned by the clerk of said village who shall attach thereto its corporate seal, each bond shall be made of an amount not more than one thousand dollars, and shall be sold to the highest bidder but no bond shall be sold for less than par. The time and place for offering such bonds for sale shall be advertised at least ten days prior to such sale in at least one newspaper published in said village and in two daily newspapers published in the city of Troy. The money so borrowed shall be appropriated by such commissioners to the payment of the floating indebtedness of said village heretofore contracted by such water commissioners in supplying said village with pure and wholesome water.

Issue of
bonds.

Sale there-
of.

Money,
how
appropri-
ated.

§ 2. This act shall take effect immediately.

CHAP. 32.

AN ACT to secure the registration of plumbers and the supervision of the plumbing and drainage and ventilation of buildings in the city of Elmira.

APPROVED by the Governor February 24, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Registra-
tion of
plumbers.

SECTION 1. On or before the first day of March eighteen hundred and ninety-one, every master plumber carrying on his trade in the city of Elmira, shall, under such rules and regulations as the board of health of the said city shall prescribe, register his name and address

at the office of the board of health; and after the said date it shall not be lawful for any person to carry on the trade of plumbing in said city unless his name and address be registered as above provided.

§ 2. A list of the registered plumbers of the city of Elmira shall be published in the same manner in the public papers as other publications made by the said city, at least once in each year. Publication of list.

§ 3. The draining and plumbing and ventilation of all buildings, both public and private, hereafter erected in the city of Elmira, shall be executed in accordance with plans previously approved in writing by the said board of health. Suitable drawings and descriptions of the said plumbing and drainage and means for ventilation shall in each case be submitted and placed on file in the office of the board of health. The said board of health is also authorized to receive and place on file drawings and descriptions of the plumbing and drainage of the buildings erected prior to the passage of this act. Drainage, etc., how executed. Filing of drawings, etc.

§ 4. Any court of record in said city, or any judge or justice thereof, shall have power at any time after the service of notice of the violation of any provisions of this act, and upon the affidavit of the president of the board of health, and any member thereof, or of the health officers of said city, to restrain, by injunction order, the further progress of any violation named in this act, or of any work upon or about the building or premises upon which the said violation exists; and no undertaking shall be required as a condition to the granting or issuing of such injunction, or by reason thereof. Courts may restrain violations by injunction.

§ 5. The board of health of the city of Elmira shall have power to adopt such rules and regulations for the registration of plumbers and the filing of plans for drainage and ventilation in the city of Elmira as such board shall deem proper. Rules, etc., by board of health.

§ 6. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor. Misdemeanor,

§ 7. This act shall take effect immediately.

CHAP. 33.

AN ACT to authorize the board of supervisors of the county of Oswego to borrow money by issuing the bonds of said county, and to provide for the payment of such bonds and the interest thereon.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, February 25, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of supervisors of the county of Oswego is hereby authorized and empowered to issue and sell, in the manner prescribed by law, the bonds of said county, not to exceed in amount the sum of one hundred and twenty thousand dollars, the proceeds of which shall be appropriated and applied to the payment of the present floating indebtedness of the county of Oswego, and for no other purpose. Said bonds shall be made to become due as follows: Five thousand dollars, March first, eighteen hundred and ninety-two; five thousand dollars, March first, eighteen hundred and ninety-three; five thousand dollars, March first, eighteen hundred and ninety-four; five Issue of bonds. When payable.

Tax for
interest
and prin-
cipal.

thousand dollars, March first, eighteen hundred and ninety-five; ten thousand dollars on each succeeding first day of March, until the whole amount of said bonds have been paid, with interest, payable semi-annually, at a rate not to exceed three and one-half per centum per annum. Said board of supervisors is hereby authorized to levy and collect the amount of the interest and principal of said bonds as they shall become due in the same manner as other county expenses are levied and collected, and to pay such interest and principal as the same become due.

§ 2. This act shall take effect immediately.

CHAP. 34.

AN ACT in reference to the appraisal of the estates of decedents and others.

APPROVED by the Governor February 25, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Real estate,
how ap-
praised.

SECTION 1. Whenever by reasons of the provisions of any law of this state it shall become necessary to appraise in whole or in part the estate of any deceased person, or of any insolvent estate in the hands of a receiver, or of any assignee for the benefit of creditors, or of any corporation in the hands of a receiver or otherwise, the persons whose duty it shall be to make such appraisal shall value the real estate at its full and true value, taking into consideration actual sales of neighboring real estate similarly situated during the year immediately preceding the date of such appraisal, if any; and they shall value all such property, stocks, bonds, or securities as are customarily bought or sold in open markets in the city of New York or elsewhere, for the day on which such appraisal or report may be required, by ascertaining the range of the market and the average of prices as thus found, running through a reasonable period of time.

Certain
property,
stocks, etc.

§ 2. This act shall take effect immediately.

CHAP. 35.

AN ACT to amend chapter four hundred and ninety-four of the laws of eighteen hundred and eighty-one, entitled "An act to provide for the election of one overseer of the poor in the towns of Goshen and Wallkill, Orange county, and to fix his compensation."

APPROVED by the Governor February 27, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section two of chapter four hundred and ninety-four of the laws of eighteen hundred and eighty-one, entitled "An act to provide for the election of one overseer of the poor in the towns of Goshen and Wallkill, Orange county, and to fix his compensation," is hereby amended so as to read as follows:

Compensa- § 2. The overseer of the town of Goshen shall receive an annual

salary of two hundred and seventy-five dollars as a full compensation for all his services as such overseer, and shall not receive or be entitled to any other perquisite or compensation whatever, and the overseer of the poor of the town of Wallkill shall receive for his services the fees and compensation provided for by law for the services of other overseers of the poor in the towns of this state.

§ 2. This act shall take effect immediately.

CHAP. 36.

AN ACT to authorize the common council of the city of Utica to raise by tax and disburse money in providing for a new engine-house in the twelfth ward in said city.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, March 2, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for the common council of the city of Utica, and it shall have power to borrow such sum of money as it may deem necessary, not exceeding ten thousand dollars, upon the corporate bond of the city, at a rate of interest not exceeding five per centum per annum, for the purpose of purchasing a lot in the twelfth ward of said city, and erecting thereon an engine-house for the use of the fire department of said city.

Council may borrow money for engine-house.

§ 2. The said common council is hereby authorized to issue the corporate bonds of said city in the manner and form provided for in the charter of said city in the case of issuing other bonds; but none of said bonds herein referred to shall be sold for less than par value, and shall be made payable as follows: One half of the amount hereby authorized to be borrowed, and interest on the whole amount, on November first, eighteen hundred and ninety-one; one fourth, and interest on the whole amount unpaid on November first, eighteen hundred and ninety-two; and one-fourth, and interest thereon, on the first of November, eighteen hundred and ninety-three. For the purpose of redeeming said bonds the said common council shall, in addition to the city taxes for the year eighteen hundred and ninety-one, cause to be levied and collected one half the amount so borrowed as aforesaid, and interest on the whole sum, and each year thereafter the amount as made payable above, and interest on the whole amount remaining unpaid. The money thus raised shall be applied to the payment of said bonds and the interest thereon, and for no other purpose.

Issue and sale of bonds therefor.

Tax for principal and interest.

§ 3. This act shall take effect immediately.

CHAP. 37.

AN ACT to make the Wellsville, Coudersport and Pine Creek Railroad Company a standard gauge railroad company, and to legalize all the acts heretofore done by said company, its officers, agents, servants and board of directors, in and about the construction, operation, management or maintenance of its railroad or the business of said company, and to confirm the title of said company to its properties.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, March 2, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Acts of
officers,
etc.,
legalized.

SECTION 1. All the acts and proceedings of the officers, agents, servants and board of directors of the Wellsville, Coudersport and Pine Creek Railroad Company, heretofore done in obtaining title to real or personal property for said company ; all the acts of them or any of them done in or about the construction, operation, management or maintenance of the railroad or business of said company, authorized or permitted to be done by the general laws of this state pertaining to railroads or railroad corporations (which said company was organized under the laws of the state of New York, November fourteen, eighteen hundred and eighty-one, as a "narrow gauge" railroad company) are hereby legalized and confirmed, and in all respects made binding upon said company, its officers, board of directors, agents, servants, stockholders and all others who have heretofore contracted or dealt with said company the same as if the said company had been organized November fourteen, eighteen hundred and eighty-one, as a "standard gauge" railroad company, and not organized as a "narrow gauge" railroad company, provided however, that nothing herein contained shall be construed as creating or impairing the obligation of a contract.

Powers and
liabilities
as standard
gauge rail-
road.

§ 2. Hereafter the Wellsville, Coudersport and Pine Creek Railroad Company shall have and possess all the powers, and be subject to all the terms, liabilities and duties imposed upon "standard gauge" railroad companies organized under chapter one hundred and forty of the laws of the state of New York, passed April two, eighteen hundred and fifty, entitled "An act to authorize the formation of railroad corporations, and to regulate the same," and the acts supplementary thereto and amendatory thereof, the same as if said Wellsville, Coudersport and Pine Creek Railroad Company had been originally incorporated as a "standard gauge" railroad company.

Title to
properties
confirmed.

§ 3. The title to all the properties of the Wellsville, Coudersport and Pine Creek Railroad Company, real, personal or mixed, are hereby confirmed, and the said company now holds and hereafter shall hold, own or transfer the same as if it had been originally incorporated as a "standard gauge" railroad company.

§ 4. This act shall take effect immediately.

CHAP. 38.

AN ACT to amend section two of chapter three hundred and twenty-two of the laws of eighteen hundred and seventy, entitled "An act to authorize corporations to change their names."

APPROVED by the Governor March 2, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter three hundred and twenty-two of the laws of eighteen hundred and seventy, entitled "An act to authorize corporations to change their names," is hereby amended so as to read as follows:

§ 2. Such application shall be by petition, which shall set forth the grounds of the application, and shall be verified by the chief officer of the corporation. Notice of such application shall be published for six weeks in the state paper and in a newspaper of every county in which such corporation shall have a business office or, if it have no business office, of the county in which its principal corporate property is situated, such newspaper to be one of those designated to publish the session laws; and it must appear to the satisfaction of the court that such notice has been so published, and that the application is made in pursuance of a resolution of the directors, trustees or other managers of the corporation applying. In the city and county of New York, in place and stead of the foregoing publications, such notice shall be published for six weeks in two daily newspapers published in said county.

Petition and notice of application.

Notice, how published in N. Y. city.

§ 2. This act shall take effect immediately.

CHAP. 39.

AN ACT to amend chapter four hundred and eighty-six of the laws of eighteen hundred and ninety, entitled "An act to amend section six hundred and sixty-three of chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled 'An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York,' as amended by chapter eighty-four of the laws of eighteen hundred and eighty-seven, in relation to the powers, duties and health fund of the board of health, and of the health department of the city of New York, and for the preservation of the public health."

APPROVED by the Governor March 2, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter four hundred and eighty-six of the laws of eighteen hundred and ninety, entitled "An act to amend section six hundred and sixty-three of chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled 'An act to consolidate into one act, and to declare the special and local laws affecting public interests in the city of New York,' as amended by chap-

Consolidation act amended.

ter eighty-four of the laws of eighteen hundred and eighty-seven, in relation to the powers, duties and health fund of the board of health, and of the health department of the city of New York, and for the preservation of the public health," is hereby amended so as to read as follows:

Tenement-houses, erection, etc., of.

§ 1. Section six hundred and sixty-three of chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled "An act to consolidate into one act, and to declare the special and local laws affecting public interests in the city of New York," as amended by chapter eighty-four of the laws of eighteen hundred and eighty-seven, in relation to the powers, duties and health fund of the board of health, and of the health department of the city of New York, and for the preservation of the public health, is hereby amended so as to read as follows:

Chimneys and fire-places.

§ 663. Every such house erected after May fourteenth, eighteen hundred and sixty-seven, or converted, shall have adequate chimneys running through every floor, with an open fire-place or grate, or place for a stove, properly connected with one of said chimneys for every family set of apartments. It shall have proper conveniences, and receptacles for ashes and rubbish. It shall have Croton or other water furnished in sufficient quantity at one or more places on each floor occupied, or intended to be occupied by one or more families; and all tenement-houses shall be provided with a like supply of water by the owners thereof, whenever they shall be directed so to do by the board of health. But a failure in the general supply of water by the city authorities shall not be construed to be a failure on the part of such owner, provided that the proper and suitable appliances to receive and distribute such water are placed in said house. Provided that the board of health shall see to it that all tenement-houses are so supplied before January first, eighteen hundred and eighty-nine.

Receptacles for ashes, etc.

Water supply.

Cellar floors and ceilings.

Every tenement-house shall have the floor of the cellar made watertight, and the ceiling plastered, or filled in with deafening between the beams, or sealed with tongued and grooved boards not less than three-quarters of an inch in thickness, lined with builders' lining paper, and when the house is located over filled-in ground, or over marshy ground, or ground on which water lies, the cellar floor shall be covered so as to effectually prevent evaporation or dampness. It shall be the duty of the board of health to see to it that the cellars of all tenement-houses are so made or altered as to comply with this section on or before January first, eighteen hundred and ninety-two. Every such house erected after May seventh, eighteen hundred and eighty-seven, or converted, shall have the halls on each floor open directly to the external air, with suitable windows, and shall have no room or other obstruction at the end, unless sufficient light or ventilation is otherwise provided for in said halls in a manner approved by the board of health.

Halls.

§ 2. This act shall take effect immediately.

CHAP. 40.

AN ACT authorizing the supervisor of the town of Perinton, in the county of Monroe, to convey certain real estate to the Perinton Centre Burial Ground Association, of town of Perinton, Monroe county, and conferring certain powers on said association.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, March 3, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The supervisor of the town of Perinton, county of Monroe and state of New York, is hereby authorized and empowered to convey to the Perinton Centre Burial Ground Association of said town of Perinton, all the right, title and interest which said town has in the real estate comprising and known as part or whole of the lands now used by the said the Perinton Centre Burial Ground Association in said town, and bounded and described as follows: All that tract or parcel of land lying and being in the town of Perinton, aforesaid, and being one acre of land in township number twelve in the fourth range of townships in said town of Perinton and a part of lot number forty-five and bounded as follows, namely: Beginning at a walnut staddle on the south line of said lot about a northeast course from Ephraim Seeley's new dwelling-house on the opposite side of the highway; from thence running west, northeast and south to the first-mentioned bounded or walnut staddle of equal distances on each side so as to contain the above-mentioned quantity of one acre of land and no more. And said Perinton Centre Burial Ground Association, when such conveyance shall be fully executed and delivered, is hereby authorized and empowered to take charge of said burying ground, improve the same and control the burial of the dead therein, and to do all other things that cemetery associations, legally incorporated, are authorized and empowered to do on the lands held by them, and used for burial purposes.

Convey-
ance of
land to as-
sociation,
authorized.

Description
of preml-
ses.

Powers of
association.

§ 2. All the rights heretofore acquired by the persons and corporation using the said burying ground for burial purposes are reserved to them and their heirs and its successor subject to this act and the rules and regulations of said burial ground association, and such persons or their heirs or its successor, when such conveyance shall be fully executed and delivered, shall become if possessing the necessary qualifications, members of said association, with the same rights and privileges as are held by other lot owners.

Rights ac-
quired, re-
served.

§ 3. The conveyance authorized to be made as in the first section herein provided shall be made in accordance with the direction of the annual town meeting of said town heretofore made or hereafter to be made, and upon such terms and conditions as such town meeting shall have directed or shall direct, and when fully executed and delivered shall be deemed and held valid to convey to the said Perinton Burial Ground Association all the title and interest of said town, and the supervisor thereof, in and to the said lands described in the first section hereof.

Convey-
ance, how
made, etc.

§ 4. This act shall take effect immediately.

CHAP. 41.

AN ACT relating to the division of the town of South Valley, in the county of Cattaraugus, and to the erection therefrom of two separate and distinct towns.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, March 3, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Notice of application to divide town, sufficient.

Filing of maps and surveys.

SECTION 1. The notice of the application to the board of supervisors of the county of Cattaraugus to divide the town of South Valley in said county and to erect therefrom two separate and distinct towns which was duly published prior to the annual meeting of the board of supervisors of said county in the year eighteen hundred and eighty-nine shall be deemed a sufficient notice of the application for such division which was made to the annual meeting of the board of supervisors of said county for the year eighteen hundred and ninety, and the filing of the maps and surveys of said town and of the proposed division thereof in the clerk's office of said county prior to the annual meeting of said board for the year eighteen hundred and eighty-nine shall be deemed a sufficient filing thereof prior to the annual meeting of such board for the year eighteen hundred and ninety for the purpose of the division of said town by such board of supervisors and of the action taken by the board of supervisors with respect thereto.

§ 2. This act shall take effect immediately.

CHAP. 42.

AN ACT to repeal chapter three hundred and ninety-three of the laws of eighteen hundred and ninety, entitled "An act authorizing the city of Buffalo to adjust and pay the amount of damage suffered by Amelia E. Reynolds thereof, by the extension of Elmwood avenue, and to raise the amount by local assessment."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, March 3, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act repealed.

SECTION 1. Chapter three hundred and ninety-three of the laws of eighteen hundred and ninety entitled "An act authorizing the city of Buffalo to adjust and pay the amount of damage suffered by Amelia E. Reynolds thereof, by the extension of Elmwood avenue, and to raise the amount by local assessment," is hereby repealed.

Payment to commissioners.

§ 2. The commissioners heretofore appointed under said act shall be paid for their services by said city out of the general fund such sum as the court appointing them shall determine to be just.

§ 3. This act shall take effect immediately.

CHAP. 43.

AN ACT to continue free instruction in natural history, geography and kindred subjects to certain institutions, and making an appropriation therefor.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, March 3, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The state superintendent of public instruction is hereby authorized to enter into an agreement with the American Museum of Natural History, in the city of New York, for continuing the instruction in natural history geography and kindred subjects to the several state normal schools, the Normal College of the City of New York, the Training School for Teachers in the City of Brooklyn, the teachers' institutes in the different counties of the state, and to the teachers in the common schools of the city of New York, Brooklyn and vicinity authorized by chapter four hundred and twenty-eight of the laws of eighteen hundred and eighty-six, and by chapter three hundred and thirty-seven of the laws of eighteen hundred and eighty-eight, for the further term of four years from the first day of January, eighteen hundred and ninety-one.

Agreement for continuing instruction.

§ 2. Said instruction may include free illustrated lectures to artisans, mechanics and other citizens, on such legal holidays as the state superintendent and museum authorities may agree upon.

Lectures on legal holidays.

§ 3. The sum of fifteen thousand dollars, payable from the free school fund, is hereby appropriated for the support and maintenance of said course of instruction, for the year beginning on the first day of January, eighteen hundred and ninety-one; and the sum of fifteen thousand dollars shall be appropriated annually for the support and maintenance of said course of instruction during the term of the agreement authorized by this act.

Appropriation.

To be continued annually.

CHAP. 44.

AN ACT to change the name of the United Life and Accident Insurance Association.

APPROVED by the Governor, March 3, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The name of the United Life and Accident Insurance Association is hereby changed to the United Life Insurance Association. And the charter of the said United Life and Accident Insurance Association is hereby amended by inserting therein the name United Life Insurance Association in place of the name United Life and Accident Insurance Association wherever the latter name shall occur, and as thus amended the said charter shall be the charter of the said United Life Insurance Association.

Name changed and charter amended.

§ 2. Nothing herein contained shall in any way impair or affect any contract, liability, obligation or duty of the said United Life and

Liabilities, etc., not affected.

Accident Insurance Association made, entered into or incurred before the alteration of the said charter, with or to any person or persons, corporation or corporations, or of any person or persons, corporation or corporations, with or to said company, or any proceedings instituted, or that shall be instituted, to enforce any contract, obligation, liability or duty in favor of or against said corporation; but any and all such contracts, obligations, liabilities, duties and proceedings shall be and remain valid and binding in all respects to the same extent and to be liable to be enforced by and against said company by the name of the United Life Insurance Association in the same manner as if none of the alterations of said charter contained in this act had been made.

§ 3. This act shall take effect and be in force from and after its passage.

CHAP. 45.

AN ACT to provide for the extension of North Twelfth street main sewer in the city of Brooklyn, from its present terminus to the permanent pier line established by law.

APPROVED by the Governor, March 8, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Extension
of sewer
authorized.

SECTION 1. The common council of the city of Brooklyn is hereby authorized to cause the main sewer at and near the foot of North Twelfth street to be extended from its present terminus to the permanent pier line established by law.

Work, how
done.

§ 2. The work so authorized shall be done in the same manner as work of like character is now done in said city.

Issue of
certificates
of in-
debtedness
therefor.

§ 3. To meet the cost of the work authorized to be done under the provisions of section one of this act certificates of indebtedness of the city of Brooklyn shall be issued by the comptroller of said city upon the requisition of the commissioner of city works in an amount not exceeding fifteen thousand dollars, bearing interest at a rate not to exceed four and one-half per centum per annum; and the comptroller of said city shall sell said certificates and place the proceeds of such sale in the city treasury to the credit of an account to be opened on the books of the finance department, entitled "North Twelfth street sewer extension account." Said certificates shall be redeemed one year from the date of their issue.

Redemp-
tion.

Tax for
payment
of certi-
ficates and
interest.

§ 4. There shall be levied and collected in the tax levy of eighteen hundred and ninety-one in and for the city of Brooklyn, upon all the real estate and taxable property therein, a sum sufficient to meet the amount of the aforesaid certificates on their maturity with interest thereon, and the board of estimate of the county of Kings of the city of Brooklyn shall place the amount aforesaid in their estimate to the common council of the city expenses in and for said year.

§ 5. This act shall take effect immediately.

CHAP. 46.

AN ACT to authorize the department of docks of the city of New York to set aside certain of the water front owned by the said city for the exclusive use of the fire department of said city.

APPROVED by the Governor March 3, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The department of docks, with the consent and approval of the commissioners of the sinking fund, is hereby authorized to set apart, for the permanent and exclusive use of the fire department of the city of New York, so much of the water front owned by said city as shall be deemed necessary for exclusive use of the said fire department of the city of New York. Water front for fire department.

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

CHAP. 47.

AN ACT to make the office of county clerk of Herkimer county a salaried office, and regulating the management of said office.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, March 5, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The clerk of the county of Herkimer next elected, and thereafter to be elected, shall receive as compensation for his services an annual salary, to be fixed by the board of supervisors of said county prior to the election of every such clerk; the salary so fixed shall not exceed two thousand five hundred dollars per annum, and shall not be increased or diminished during the term for which any such clerk shall have been elected. Clerk hereafter elected, salary of.

§ 2. It shall be the duty of said clerk to perform all services which he is or shall be required or authorized by law to perform by virtue of, or by reason of his holding such office, for the state, for the county and for individuals, including his duties as clerk of every court of which he is or shall be clerk, and no compensation, payment or allowance shall be made to him for his own use for any such services, except the salary aforesaid. To perform all services required by law.

§ 3. All the fees, emoluments and perquisites which such clerk shall charge or receive, or which he shall legally be authorized, required or entitled to charge or receive, shall belong to the county of Herkimer. It shall be his duty to exact, collect and receive all such fees, emoluments and perquisites now permitted by law and not exceeding the amounts now fixed by law, as from time to time shall be prescribed by resolution of the board of supervisors of said county at any special or annual session thereof, except that the charges for filing, entering or recording judgments, decrees, orders, deeds and mortgages shall Fees to belong to county. Collection thereof, etc.

be and remain the same as provided by statute; provided however that any resolution thus passed by said board of supervisors shall be general in its character establishing a uniform rate of charges, and no resolution changing the fees to be charged shall be passed except at the regular annual session after the adoption of a resolution prescribing the same after the passage of this act. Said clerk shall require payment in advance for recording all papers left with him for record, and shall also in each case require payment for all other services rendered by him or his assistants in his or their official capacity by virtue of any law of this state, or by order of the board of supervisors of said county.

Payments
in advance.

Fee books,
etc.

Open to in-
spection.

Monthly
statement
of fees.

What to
specify.

§ 4. In a proper book or books to be provided at the expense of said county, such clerk shall keep an exact and true account of all official services performed by him or his assistants, and of all fees, perquisites and emoluments received or chargeable by him or them pursuant to law. Such book or books shall constitute a part of the records of said office, and shall at all times during office hours* be open to the inspection without fee or charge therefor, of all persons desiring to examine the same.

§ 5. Such clerk shall make a full and true statement for each calendar month, of all moneys received each day by him or by his assistants for fees, perquisites and emoluments for all services rendered by him or them in his or their official capacity, and shall transmit such statement to the county treasurer of said county within five days from the expiration thereof. Such statement shall specify in the following order, the amounts so received for the calendar month:

For recording deeds.

For recording mortgages.

For recording other documents and papers.

For docketing judgments and canceling dockets.

For searches and certificates thereof.

For copies and exemplification of papers and records.

For filing papers and for all other services.

Affidavit
thereto.

And shall also show the total receipts for said month. Each such statement shall have attached thereto an affidavit of said county clerk, in effect that the same is in all respects a full and true statement as herein required.

Monthly
payment
to county
treasurer.

§ 6. At the time of rendering every such statement such clerk shall pay over to the treasurer of the county of Herkimer, for the benefit of said county, the whole amount of the moneys so received by him since making the last preceding monthly statement.

Official
bond of
county
clerk.

§ 7. Every county clerk elected or appointed in said county, shall, before entering upon the duties of said office, execute to the people of this state, and file with the county treasurer of said county, a bond in such penal sum and with such sureties as shall be fixed and prescribed by the board of supervisors of said county. Such bond shall be conditioned that said county clerk shall well and faithfully discharge all the duties of his office, and all trusts imposed on him by law or by virtue of his office, and shall safely keep and pay over to the said county treasurer, as herein provided, all moneys which shall come into his hands. Said bond shall be approved as to its form and sufficiency of sureties by the board of supervisors of said county; and if any such clerk shall neglect for thirty days to execute or file any such bond according to the provisions of this act his office shall thereupon become vacant.

Failure to
file bond.

*So in the original.

§ 8. There shall be one deputy clerk, and the said board of supervisors shall have power to designate the number of special deputy clerks, and said county clerk shall appoint such deputy and such number of special deputies as so designated by said board; also as many assistants as may be necessary for a faithful discharge of the duties of his office, and shall be responsible for their official acts; and the salaries of said clerk and assistants shall be paid in the same manner as the salaries of other county officers are paid. The salary of the deputy clerk shall not exceed one thousand dollars per annum, and the salaries of the special deputies shall not exceed six hundred dollars per annum, and the board of supervisors may determine the number of assistants and fix their salaries, or compensation, provided, however, that all work done by such assistants may be done and paid for by the piece or folio, at the discretion of the clerk, and the amount of work so performed by each person shall be certified to by the county clerk for each calendar month.

Deputies and assistants.

Salaries and compensation.

§ 9. Any officer referred to in this act, who shall receive to his own use, or neglect to account for any fees, perquisites or emoluments by this act declared to belong to and be for the benefit of the county of Herkimer, or who shall neglect to render to the said county treasurer an account of all fees received at his office, or to pay over the same as herein required, shall be deemed guilty of a misdemeanor, and on conviction, shall be punished by fine or imprisonment, or both, at the discretion of the court before which said officer may be convicted, and shall be liable to said county in a civil action for all moneys so received and not accounted for.

Neglect to account for fees a misdemeanor.

Punishment.

Liability to county.

§ 10. All acts or parts of acts inconsistent herewith are hereby repealed.

CHAP. 48.

AN ACT to amend chapter six hundred and thirty-eight of the laws of eighteen hundred and eighty-one, entitled "An act to amend chapter three hundred and thirty of the laws of eighteen hundred and sixty-seven, entitled 'An act to amend the incorporation of the village of Fairport, in the county of Monroe.'"

APPROVED by the Governor, March 5, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of chapter six hundred and thirty-eight of the laws of eighteen hundred and eighty-one is hereby amended so as to read as follows:

Charter amended.

§ 4. The president, trustees, treasurer, assessors and police justice shall be elected by ballot by the qualified electors of said corporation. and all other officers and agents shall be appointed by the board of trustees. At each annual election there shall be elected three trustees, who shall hold their office for the term of two years; other elective officers shall hold their offices for one year; all other officers shall hold their respective offices for one year or during the pleasure of the board, and until a successor has duly qualified.

Elective and appointive officers.

Terms of office.

§ 2. Section eighteen of said act is hereby amended so as to read as follows:

§ 18. The police justice shall have exclusive jurisdiction in all cases Police

justice, his jurisdiction.

arising under the provisions of this act, and under the by-laws, ordinances, rules and regulations of the board of trustees of said village, made in pursuance of this act, and it is hereby expressly made his duty to exercise such jurisdiction in case of violation of any of said provisions, by-laws, ordinances, rules or regulations and to proceed to the trial and punishment of all offenders guilty of such violation, according to the provisions of this act and of the law and practice of this state. In all other criminal cases arising in said village, or where the arrest shall be made within said village, said police justice shall have the same jurisdiction as a justice of the peace of said town has in criminal cases arising in said town. Said police justice shall have the same powers in issuing process, in the hearing, trial and determination of cases within his jurisdiction, the subpoenaing of witnesses, punishment for contempt, and issuing final commitments, as justices of the peace in towns possess in criminal cases; and he shall be entitled to receive the same fees as said justices of the peace are entitled to under the statutes of this state in similar cases. In case of a vacancy in the said office of police justice, or in case said police justice be temporarily absent or in case he be disqualified or unable for any reason to act, then, and in that case an elector of said village shall be appointed police justice by the board of trustees, and the person so appointed shall possess all the powers and be subject to all the duties and obligations of a police justice elected under this act, and shall hold the office, in case he is appointed to fill a vacancy, until the next annual election and until the police justice elected at such annual election shall have duly qualified, and in all other cases until the police justice shall resume the duties of the office. Said police justice or the person appointed to act as such, as above provided, shall keep a record of all fines and penalties imposed or collected by him; and shall pay over all moneys so collected by him to the treasurer of said village within ten days after the receipt thereof by him. In case the said police justice, or the person acting as such, shall willfully neglect to properly perform the duties of his office, he shall be liable to a penalty of fifty dollars for each offense, which penalty may be recovered in an action commenced by the trustees in the corporate name of said village.

To have powers of justice of peace.

Fees.

Provision in case of inability to act, etc.

Record of fines.

Payment thereof to treasurer.
Penalty for neglect of duty.

§ 3. Subdivision thirteen of section twenty-nine of said act is hereby amended so as to read as follows:

Powers of trustees as to sidewalks and highways.

May cause work to be done.

13. To cause and direct the manner of making and repairing sidewalks, crosswalks and highways in said village, and the manner in which and the purposes for which the money was raised for highway purposes in said village shall be laid out; and in case the owner of any land abutting on any street, alley, highway or public place in said village neglect to construct, repair or remove obstructions from any sidewalk on or in front of such land within the time prescribed by and as directed by the said board, to cause such walk to be made or repaired or such obstructions to be removed, and to levy, assess and collect the expense of the same from the owner of such land in the same manner as village taxes are collected.

Ordinances.

To prohibit or license exhibitions, etc.

§ 4. Subdivision three of section thirty of said act is hereby amended so as to read as follows:

3. To prohibit all exhibitions, concerts or entertainments for which money or any other compensation is taken, or to authorize the same upon the payment of such license fee, and upon such terms and conditions as the trustees shall deem expedient; also to prohibit the retailing of goods, wares, patent medicines and other merchandise (ex-

cepting farm and garden products) in the streets, alleys or highways within said village, or to permit the same upon the payment of a license fee prescribed by the board; also to prohibit any person or persons from soliciting from house to house within said village for the sale of merchandise which such person then has in his or her possession, or to permit the same or any of the same upon the payment of a license fee, the amount of which shall be prescribed by the said board. And whenever any license fee is prescribed or fixed, all sums collected by virtue of the regulation or ordinance fixing the same shall be paid over to the treasurer of the said village and shall be the property of the said village.

Retailing of goods, etc., in streets.

License fees to be paid treasurer.

§ 5. This act shall take effect immediately.

CHAP. 49.

AN ACT making an appropriation for the payment of the interest on the canal debt for the fiscal year, beginning on the first day of October, eighteen hundred and ninety-one, and for the payment of a portion of the principal of said debt.

APPROVED by the Governor March 5, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of one hundred and forty-seven thousand five hundred and forty dollars is hereby appropriated out of the sinking fund under section three of article seven of the constitution, for the payment of the interest on the debt contracted under said section, as the same shall become due and payable during the fiscal year beginning on the first day of October, eighteen hundred and ninety-one.

Appropriation for interest on debt.

§ 2. The further sum of one million six hundred and sixty-eight thousand two hundred and fifty dollars, is hereby appropriated from the said sinking fund for the payment of the principal of the debt contracted thereunder, and which falls due on the first day of July, eighteen hundred and ninety-one.

For payment of principal.

CHAP. 50.

AN ACT imposing a tax for the annual contribution to the sinking fund for the payment of the principal and interest of the canal debt for the fiscal year, beginning on the first day of October, eighteen hundred and ninety-one.

APPROVED by the Governor March 5, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be imposed for the fiscal year, beginning on the first day of October, eighteen hundred and ninety-one, a state tax of one-eighth of a mill on each dollar of valuation of the real and personal property in this state subject to taxation, which tax shall be assessed, levied and collected by the annual assessment and collection of taxes for that year in the manner prescribed by law, and shall be paid

State tax of one eighth of a mill.

by the several county treasurers into the treasury of this state, to be held by the state treasurer for appropriation to the purposes herein-after designated.

Payable to
credit of
canal fund.

§ 2. The whole of the tax levied and collected in pursuance of the first section of this act shall be paid into the treasury of this state to the credit of the canal fund, and is hereby appropriated and shall be applied as follows: For the payment to the sinking fund under section three of article seven of the constitution the sum of four hundred and forty-seven thousand five hundred and forty dollars, being the annual contribution to the said fund for the principal and interest of the canal debt, for the fiscal year beginning on the first day of October, eighteen hundred and ninety-one, as provided in section five of article seven of the constitution.

CHAP. 51.

AN ACT changing the name of The Asylum for Idiots.

APPROVED by the Governor March 5, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Name
changed.

SECTION 1. The Asylum for Idiots, as the same was authorized to be established by chapter five hundred and two of the laws of eighteen hundred and fifty-one, and the acts supplemental thereto, shall hereafter be known and designated as the Syracuse State Institution for Feeble-Minded Children.

§ 2. This act shall take effect immediately.

CHAP. 52.

AN ACT amending chapter three hundred and thirty of the laws of eighteen hundred and fifty, entitled "An act re-incorporating the village of Little Falls by the name of Rockton," and the several acts amendatory thereof.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, March 9, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

SECTION 1. There shall be added to chapter three hundred and thirty of the laws of eighteen hundred and fifty, as now amended, a section to be known as and numbered seventy-six, which shall read as follows:

Penalty
for viola-
tion of or-
dinances.

§ 76. Every person offending against or violating any ordinance by law, rule or regulation, passed or that may hereinafter* be passed by the board of trustees of the village of Little Falls, shall be deemed guilty of a misdemeanor, and punishable by a fine of not less than five nor more than fifty dollars, and in default of payment of the amount of fine imposed the offender shall be imprisoned in the common jail of the county one day for each dollar of fine so imposed.

§ 2. This act shall take effect immediately.

*So in the original.

CHAP. 53.

AN ACT to amend chapter two hundred and sixty-seven of the laws of eighteen hundred and eighty-two, entitled "An act to provide a system of sewerage for the village of Little Falls."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, March 9, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be added to chapter two hundred and sixty-seven of the laws of eighteen hundred and eighty-two, a section to be known as section nine, which shall read as follows:

§ 9. The village of Little Falls is hereby authorized to acquire title to, or an easement in, any real property situated therein for any or all of the uses and purposes provided for by the act hereby amended, by condemnation, whenever the consent of the owner thereof to take and occupy the same cannot be obtained, as provided in the first section of said act. The costs and expenses of such condemnation proceedings, together with the compensation paid to the owner for such land or easement, shall be deemed to be a part of the expense of the sewer for which such land, or easement, was acquired.

§ 2. This act shall take effect immediately.

CHAP. 54.

AN ACT relative to the state normal school at New Paltz, and school district number one of the town of New Paltz, Ulster county.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, March 10, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Every person over five years of age and under twenty-one years of age, resident in school district number one, of the town of New Paltz, in the county of Ulster, shall be eligible to admission and to the privileges of the practice department of the state normal school located at New Paltz, in the county of Ulster, as pupils, free of charge for tuition.

§ 2. The local board of managers of the state normal school located at New Paltz, Ulster county, shall annually make a statistical report to the school commissioner having jurisdiction, at the same time, and in like manner as trustees of common school districts are now required to report to county school commissioners, and the state superintendent of public instruction in his annual apportionment of state school moneys, shall make an allowance of public school money to said district number one of the town of New Paltz, Ulster county, which shall be relatively and equitably equivalent to the apportionment made

to other common school districts under the provisions of the consolidated school act.

Payment
thereof to
board of
managers.

§ 3. State school moneys which shall be apportioned to school district number one, town of New Paltz, Ulster county, in the year eighteen hundred and ninety-one, and thereafter, shall be paid over by the supervisor of the town of New Paltz, to the local board of managers of said normal school at New Paltz, under the order of the said board of managers.

Bound-
aries of
district.

§ 4. The boundaries of school district number one of the town of New Paltz, Ulster county, as now constituted, shall not be altered unless by an act of the legislature of the state.

Present
officers
continued.

§ 5. The present district officers of school district number one, town of New Paltz, Ulster county, shall continue in their respective offices and discharge their duties pertaining thereto until any and all present indebtedness of said district is liquidated, and thereafter no school district meeting shall be held, nor school district officers chosen, and all school money remaining to the credit of said district after the liquidation of such indebtedness, shall be paid over to the local board of managers of the state normal school located at New Paltz.

Moneys
payable to
board.

Proviso.

§ 6. All acts or parts of acts inconsistent with or in contravention of the provisions of this act, shall not apply to nor affect school district number one, town of New Paltz, Ulster county.

§ 7. This act shall take effect immediately.

CHAP. 55.

AN ACT making an appropriation for rebuilding and repairing buildings destroyed or damaged by fire at Auburn prison and constructing thereat a building with solitary cells.

APPROVED by the Governor March 10, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropri-
ation.

SECTION 1. The sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury, not otherwise appropriated, for the purpose of rebuilding and repairing buildings recently destroyed or damaged by fire at Auburn prison, and for constructing thereat a building with solitary cells for refractory convicts, which amount shall be paid by the treasurer, upon the warrant of the comptroller, to be expended under the direction of the superintendent of state prisons.

§ 2. This act shall take effect immediately.

CHAP. 56.

AN ACT to provide for the payment of moneys arising from the grants by the United States of public lands and funds for the endowment, support and maintenance of colleges, for the benefit of agriculture and the mechanic arts, to the Cornell University.

APPROVED by the Governor March 10, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The treasurer of the state is hereby designated as the officer of the state to receive the grants of moneys to be paid to the treasurer, or other officer designated by the laws of the state, in pursuance of an act of the congress of the United States, entitled "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture, and the mechanic arts established under the provisions of an act of congress, approved July second, eighteen hundred and sixty-two," approved August thirtieth, eighteen hundred and ninety; and the assent of this state is hereby given to the purpose of said grants, and to all the terms and conditions thereof, as specified in such act of congress.

Treasurer designated to receive moneys.

Assent of state given.

§ 2. The treasurer of this state shall keep the account of all moneys hereafter received by him in pursuance of such act of congress, in a separate fund to the credit of the Cornell University, and shall pay all such moneys immediately upon the receipt thereof by him, to the treasurer of the Cornell University, upon the warrant of the comptroller, issued upon the order of the trustees of the Cornell University in pursuance of said act of congress.

Separate fund.

Payments, when made to university.

§ 3. The sum of fifteen thousand dollars, heretofore paid to the treasurer of this state, in pursuance of such act of congress, is hereby appropriated, to be paid by the treasurer of the state to the treasurer of the Cornell University out of the fund to which the same may be credited, upon the warrant of the comptroller, issued upon the order of the trustees of the Cornell University, in obedience to the requirements of said act of congress.

Appropriation of sum heretofore paid.

§ 4. The balance of the income of the college land scrip fund received by the state prior to October first, eighteen hundred and eighty-nine, and not heretofore paid over to the Cornell University, and reported by the comptroller of this state, in his communication to the senate, dated March thirty-first, eighteen hundred and ninety, to be payable to the Cornell University in accordance with the decision of the court of appeals in the action entitled "The People ex rel Cornell University, appellant, against Ira Davenport comptroller, respondent," decided by the court of appeals January fourteenth, eighteen hundred and ninety, and reported in volume one hundred and seventeen of the New York reports at page five hundred and forty-nine, and amounting to the sum of eighty-nine thousand three hundred and eighty-three dollars and sixty-six cents, is hereby appropriated to be paid by the treasurer of the state, out of any moneys in the treasury not otherwise appropriated, to the treasurer of the Cornell University upon the warrant of the comptroller, issued upon the order of the trustees of the Cornell University, reciting that the same shall be in full of all claims or demands of the Cornell University against the state for or on

Balance of income of college land scrip fund appropriated.

Warrant of comptroller, contents of.

account of the income of the college land scrip fund, received by the state prior to October first, eighteen hundred and eighty-nine, except for the sum of three thousand and ninety-six dollars and twenty-five cents, the balance of such income in the treasury of the state upon October first, eighteen hundred and eighty-nine.

§ 5. This act shall take effect immediately.

CHAP. 57.

AN ACT to authorize an increase or reduction of the number of directors of a stock corporation.

APPROVED by the Governor March 10, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Directors,
number of,
how in-
creased or
reduced.

SECTION 1. The number of directors of any stock corporation may be increased or reduced, but not above the maximum nor below the minimum number prescribed by law, when the stock-holders owning a majority of the stock of the corporation shall so determine, at a meeting to be held at the usual place of meeting of the directors, on thirty days notice in writing to each stock-holder of record. Such notice shall be served personally or by mail directed to each stock-holder at his post-office address. The proceedings of such meeting shall be entered in the minutes of the corporation, and a transcript thereof verified by the president and secretary of the meeting shall be filed in the offices where the original certificates of incorporation were filed.

§ 2. This act shall take effect immediately.

CHAP. 58.

AN ACT to establish a board of light and water commissioners of the village of Herkimer.

APPROVED by the Governor March 10, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Light and
water
commis-
sioners.

SECTION 1. There shall be appointed, in the manner hereinafter provided, four commissioners, to be known as the "light and water commissioners of the village of Herkimer," who shall hold their office as specified in section two of this act.

Classifica-
tion.

§ 2. The said commissioners shall be divided into four classes, consisting of one commissioner each, to hold their offices respectively for one, two, three and four years, the commissioners determining among themselves, by lot, who shall hold office for the term of one year, who for the term of two years, who for the term of three years, and who for the term of four years, and the term of office of every commissioner thereafter appointed shall be for four years; and during his term of office every commissioner shall be ineligible to and shall hold no other village office in the village of Herkimer. The term of every commissioner, after the first appointment and classification thereof, shall

Term of
office.

commence on the first day of April, and the term of every commissioner shall expire on the thirty-first day of March of the year in which his term shall end ; but each commissioner may continue in office until his successor is duly appointed as hereinafter stated, and has taken and filed the oath of office.

§ 3. Within five days after written notice of their appointment, the four commissioners, appointed as provided by this act, shall meet at the trustees' room in said village and determine by lot, the terms of office, as provided in the preceding section, and after determining such terms, shall organize into a board to be known and designated as the "board of light and water commissioners of the village of Herkimer," and they shall exercise the powers and fulfill the duties connected with and incident to the control, maintenance and management of the light and water supply department of said village, as hereinafter more specifically provided for. The commissioners appointed by virtue of this act shall not directly or indirectly, be paid or receive any compensation for their services as such ; they shall each year select from their number one who shall be chairman of the board ; they shall employ a clerk whose duty shall be to record its proceedings in a book for that purpose, and who shall hold office during the pleasure of the board. The clerk shall perform such other duties as may be determined upon and prescribed by said commissioners, and shall receive for his services such salary or compensation as said commissioners may deem reasonable, and may by proper resolution fix and determine. Said board of commissioners may, and they are hereby authorized, to appoint a treasurer, superintendent, and such other officers as they may deem necessary, to act during the pleasure of the board, and to fix the amount and form of bond, if any, to be given by such superintendent and other officers ; also to prescribe the duties to be performed by, and the compensation to be paid to each. Any vacancy in the number of commissioners shall be filled by the president of said village, within one week after he shall have received notice thereof from the board, and the person appointed to fill the vacancy shall hold office until the expiration of the term of office of the commissioner whose place he was appointed to fill. Any commissioner may be removed from his office by the president of said village, upon proof, for official or other misconduct, but not otherwise ; and he shall be furnished with a copy of the charges preferred, and an opportunity given for defense thereof.

Organiza-
tion of
board.

To receive
no com-
pensation.

Officers of
board and
their
duties.

Vacancies
in board.

Removals
for cause.

§ 4. The president of said village shall, within five days after he has received official notice of the passage of this act, appoint the commissioners referred to in section one of the same, by the appointment of two commissioners from each of the two principal political parties of the state ; and shall annually, on the last Monday of March thereafter, appoint one commissioner in the place* the outgoing commissioner, and such appointment shall be from the political party to which such outgoing commissioner belonged.

Appoint-
ment of
commis-
sioners and
qualifica-
tions.

§ 5. Upon the organization of the board as authorized by section three of this act, all the property owned or which may be acquired by the village of Herkimer for the use of the light or water department thereof, shall be under the direction, control and management of such commissioners. All the powers and duties now vested in the board of trustees of said village, by the charter and by-laws thereof, and by other laws relating to the lighting and the supply of the water of said

Property
to vest in
board.

Powers,
etc., of
trustees
trans-
ferred.

village, are hereby transferred to and conferred upon the said board of commissioners hereby created.

Rules and regulations.

§ 6. The board of commissioners shall make and adopt such rules and regulations as to them may seem best for the good government of themselves, and for the control, maintenance and management of the light and water department, and as shall be for the interest of the inhabitants and property owners of said village, provided such rules and regulations shall not conflict with the laws of said village, the state, or the United States.

Board may borrow money.

§ 7. The said board of light and water commissioners shall have power and it shall be their duty to borrow, from time to time, upon the credit of said village, such sums, not exceeding in the aggregate sixteen thousand five hundred dollars, as shall seem to them best for the village, at a rate of interest not exceeding four per centum per annum.

Issue of village bonds.

§ 8. To secure the payment of said loans said board is hereby authorized to execute and deliver coupon or registered bonds of said village, signed by said commissioners or any three of them, in behalf of said village, which, when issued, shall be a debt of said village, and its credit is hereby pledged for the payment thereof. Said bonds shall be made payable in not less than ten nor more than twenty years, as they may deem expedient and proper.

Sale of bonds.

§ 9. Said board are hereby authorized to sell said bonds or any part thereof, at public auction, upon giving two weeks' notice thereof in the village newspapers, and any further notice said board may deem advisable; or said board may, in its discretion, sell all or any part of said bonds at par, at private sale, provided said bonds so sold shall not bear more than three and a half per centum interest per annum. The money raised by the sale of said bonds, shall be expended by said board for the purpose of paying the debt contracted by the board of trustees of the village of Herkimer in placing in said village an arc light plant, and the necessary expenses connected therewith, and also for the purpose of supplying said village with electric lights, both arc and incandescent, for street and mercantile purposes, and for the further purpose of supplying said village with pure and wholesome water, and for no other purpose; except, that the necessary expenditures of the trustees of said village, while acting as a board of commissioners, shall be audited and paid out of the proceeds of said bonds.

Avails, how expended.

Treasurer of board.

§ 10. The said board shall appoint a treasurer of said board, removable at pleasure, who shall be paid such compensation as may be prescribed by said board, and he shall make and deliver a bond for the faithful performance of his duties, in such amount, and with such sureties, as said board shall from time to time require, to be approved by said board and when approved, the amount thereof, and the names of the sureties, shall be entered upon the minutes of said board, and a certified copy thereof shall be filed with the treasurer of said village.

His duties.

§ 11. The treasurer of said board shall countersign all bonds issued by it, and shall keep a record of the same showing date, amount, rate of interest, the number, the time and place of payment and also a correct account of all moneys received by him from every and all sources, and of all moneys paid out, and showing the balances; which record and account shall at all times be open to the inspection of the trustees of said village, and of any taxpayer thereof. It shall also be the duty of said treasurer to perform such other duties and acts, and keep such other books of accounts as may be authorized and directed by the said board.

§ 12. Upon the organization of the board of light and water commissioners as provided by this act, the duties of the board of trustees of the village of Herkimer, as a board of water commissioners shall cease and determine, and the acts of the trustees of said village while acting as such water commissioners, and in securing an electric plant for said village, are ratified and confirmed.

Duties of trustees to cease.

Acts confirmed.

§ 13. The said board of light and water commissioners shall have the exclusive right and power to make all necessary arrangements, regulations and contracts for supplying said village and the inhabitants thereof, with electric light, both arc and incandescent, street and commercial, and also for supplying said village with water, and to construct all works needful for that purpose; and to that end they are hereby empowered to purchase, take and hold for said village, any personal property, apparatus, real estate easements or other interests in real estate required for such purpose, and by themselves, their servants and agents, may, after agreement with such owner or owners for just compensation ascertained and provided for, enter upon the lands of any person or persons, and erect poles excavate earth, string or lay wire and lay and construct any pipes, conduits, aqueducts, wells and all other work or machinery necessary or proper for the work aforesaid, in any of the streets, or upon any lands so entered upon, purchased, taken or held, or in or upon which such easement or interests shall be purchased or acquired. Said commissioners may enter upon any land, street, highway, alleys, or public squares, excavate for, lay, construct, alter, repair and place any poles, wires, pipes, conduits, aqueducts or other works necessary to furnish an ample supply of light and water whenever the same shall be required, and may put in as many electric and other lights, hydrants and fountains, and in such places, as they may deem proper.

Rights and powers of board.

May purchase and hold property.

May enter upon lands, etc.

§ 14. The said board of light and water commissioners are hereby authorized and empowered to make such prudential rules and by-laws in relation to the use of said light, arc and incandescent, lamps and water, as they may from time to time deem to be necessary, and shall have the full and exclusive control of said works under this act, and the management of the finances connected therewith, and shall have full power to supply said village and the inhabitants thereof with light and water, and to establish the rates and charges for the use of the same, and to stop the use thereof upon any premises, when the use of the same shall not have been paid for, or any of the rules or by-laws of said board have not been complied with, and to fix penalties or fines for violations of rules established by it, and likewise to sue for and collect the same in the name of the corporation of the village of Herkimer. The said board shall keep, or cause to be kept, an accurate book or books, upon which shall be entered all their receipts and disbursements, and likewise the names of all persons using the commercial light, and also the water, and all such other matters as shall make a complete financial account of all the doings; which said books shall always be open for the inspection of the board of trustees of said village, and all other citizens or tax-payers in said village, their agents or attorneys. It shall also be the duty of the said board of light and water commissioners to employ such help and incur such other expenses as may be necessary for the proper and prudential management and maintenance of said light, and the supply of said water; and also to make such addition thereto as they may deem expedient and proper for the said village.

Rules and by-laws.

Control of works, etc.

Books to be kept and open to inspection.

Employment of help, etc.

Additions to works.

§ 15. It shall be the duty of said board of light and water commis- Receipts,

how ap-
propriated.

sioners to appropriate all money received for the use of the light and water furnished by said commissioners as follows :

1. To pay all necessary expenses connected with the running and repairing of said works, machinery, poles, wires, lamps, pipes, apparatus and other things connected therewith, and the actual expenses of the board of commissioners.

2. To apply such part of the balance of said receipts as may be necessary, to extending the necessary pipes, poles, wires, and machinery and other apparatus, as they may deem necessary.

Annual
payment
of balance
and financial
state-
ment.

3. On or before the first day of March in each and every year, to pay over to the village treasurer of the said village of Herkimer, any and all balance of said receipts, and at the same time render and deliver to the trustees of the village of Herkimer, an itemized account and statement of all their receipts and disbursements during the fiscal year ending at that time, which said account, together with the account of the board of trustees, shall be published by the board of trustees of said village, in each of the two leading political newspapers of said village, at the same time, and in the same manner as the accounts of said board of trustees are required to be published.

Publica-
tion of
statement.

Tax for
interest on
bonds.

§ 16. Should the amount paid over to the village treasurer, by the board of light and water commissioners, be insufficient to pay the interest on the bonds issued pursuant to this act, and also the bonds issued by the board of trustees as a board or water commissioners, then it shall be the duty of the board of trustees of said village of Herkimer, and they are hereby required and empowered to include, in the amount of taxes to be raised annually, in said village, such sum as shall be necessary to pay said balance, but such sum shall not exceed the annual interest on the bonds issued in pursuance of this act, and likewise the bonds issued by the board of trustees of said village, acting as a board of water commissioners, and cause the same to be collected and when so collected, the same shall be used by the treasurer of said village, and applied by him to the payment of the interest on said bonds as the same may become due.

Tax for
principal
of bonds.

§ 17. Should the amount paid over from time to time by the board of light and water commissioners to the village treasurer, be insufficient, after paying the interest on all the bonds, to pay the principal becoming due, during the ensuing year, upon any of said bonds, it shall be the duty of the trustees of the village of Herkimer, and they are hereby required and empowered, to include in the amount of taxes to be raised in said ensuing year in said village, such a sum as shall be necessary to pay the principal of said maturing bonds.

Acquisi-
tion of
lands
by con-
demna-
tion.

§ 18. Should the commissioners be unable, for any reason, to agree with the owner or owners of any land easements, privileges, water rights, or other interests, which it may be necessary for them to take or use, in order to carry out the objects of this act, the title to the same may be acquired in the same manner, and by the like special proceedings, as are authorized and provided for the condemnation of real property, pursuant to chapter ninety-five of the laws of eighteen hundred and ninety, entitled "An act to amend the Code of Civil Procedure," passed April fourth, eighteen hundred and ninety, and any act or acts amendatory thereof or supplementary thereto.

Penalty
for injury
to prop-
erty, etc.

§ 19. Any person who shall maliciously or willfully destroy or injure any of the buildings, poles, wires, lamps, pipes, machinery, or other property or thing belonging to said light and water-works, or who shall maliciously or willfully commit any act which shall injuriously affect or tend to affect the light, lighting, water or streams

or fountains from which said water shall be supplied to said village, shall be guilty of a misdemeanor, and may be punished by a fine not exceeding fifty dollars, or imprisonment not exceeding ninety days, or both, in the discretion of the court; and shall also forfeit and pay to said light and water commissioners treble damages sustained thereby, to be recovered in the corporate name of said village, in any court having cognizance thereof, with costs. And if any of the commissioners appointed pursuant to this act shall willfully violate any of the provisions of this act, he or they shall be deemed guilty of a misdemeanor, and may be punished by like fine or by a like imprisonment, or both, in the discretion of the court.

Violation
of act by
commis-
sioners.

§ 20. Before any of the commissioners appointed under or in pursuance of this act shall qualify or enter upon his duties as such commissioner, he shall separately execute to the trustees of the village of Herkimer, a bond in the penalty of five thousand dollars, conditioned for the faithful performance of his duties as such commissioner, with sufficient sureties to be approved by said trustees, which bond shall be filed with the clerk of said village.

Bond of
commis-
sioners.

§ 21. This act shall take effect immediately.

CHAP. 59.

AN ACT to amend chapter five hundred and seventy-six of the laws of eighteen hundred and eighty-eight, entitled "An act establishing a board of improvement and defining its powers and duties, and to provide for lighting the streets and other places in the town of New Utrecht in the county of Kings," as amended by chapter three hundred and sixty-one of the laws of eighteen hundred and eighty-nine.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, March 11, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eight of chapter five hundred and seventy-six of the laws of eighteen hundred and eighty-eight, entitled "An act establishing a board of improvement, and defining its powers and duties, and to provide for lighting the streets and other places in the town of New Utrecht in the county of Kings," as amended by chapter three hundred and sixty-one of the laws of eighteen hundred and eighty-nine, is hereby further amended so as to read as follows:

Improve-
ment act
amended.

§ 8. The said board, whenever they shall determine upon lighting any street or part thereof with gas, shall have power to enter upon such street, or part thereof, and to authorize the necessary work to be done in connection with the lighting of the same as herein provided.

Powers of
board of
improve-
ment.

§ 2. Section ten of said act is hereby amended so as to read as follows:

§ 10. The supervisor of the said town, upon the direction of the said board, shall from time to time borrow on the faith and credit of the town, and in its name execute and issue bonds for such sum or sums as shall be necessary in their judgment, the proceeds of which shall be paid to and used by said board to defray the expense of providing and maintaining the necessary posts, lamps and fixtures for

Issue of
bonds for
lamp posts,
etc.

Rate of interest and when payable.

lighting said streets, but not including the cost of gas. Said bonds shall bear interest at a rate not exceeding five per centum per annum, and shall be made payable in ten equal annual installments, the first of which shall become due not less than five years nor more than six years from the date of issue.

§ 3. Section eleven of said act is hereby further amended so as to read as follows:

Annual estimate of expense.

§ 11. The said board shall at each annual meeting of the board of supervisors of said county make a certificate of the sum of money required to defray the expense of supplying gas for lighting the streets in said town, together with the necessary expenses incidental thereto, but not including the cost of posts, lamps and fixtures; and the sum so certified, together with the amount certified by the supervisor to be required to meet the principal and interest of the bonds issued by him under this act, shall be added to and included in and made a part of the annual taxes next thereafter levied in said town, and assessed, levied and collected in the same manner as other town expenses.

Tax for expense and bonds.

§ 4. Section twelve of said act is hereby amended so as to read as follows:

Contract for lighting streets.

§ 12. Nothing herein contained shall be construed so as to impair the force of any contract heretofore made by or with said board for lighting the streets of said town, and establishing the maximum limit of price to be charged to private or individual consumers of gas, but the same is hereby in all respects confirmed, and may be extended upon the like terms and conditions for such further period, not exceeding fifteen years, as in the judgment of said board may be deemed most expedient and for the best interests of the town.

§ 5. Section twenty-two of said act is hereby further amended so as to read as follows:

Taxes payable to supervisor and board of improvement.

§ 22. The amounts levied and assessed to meet the principal and interest of the bonds issued by the supervisor of said town, under the provisions of this act, shall, by warrant of the board of supervisors, be directed to be paid by the collector to said supervisor, for such purpose; and the amounts levied and assessed for the expense of supplying gas, shall, by warrant in like manner, be directed to be paid to the said board of improvement, through its president and secretary, who shall expend the same for said last mentioned purpose.

§ 6. This act shall take effect immediately.

CHAP. 60.

AN ACT to amend chapter one hundred and four of the laws of eighteen hundred and seventy-three, entitled "An act to authorize the town of Pelham, in the county of Westchester, to purchase, pay for, acquire title to and maintain the bridge owned by the City Island Bridge Company.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, March 11, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of chapter one hundred and four of the

laws of eighteen hundred and seventy-three, is hereby amended so as to read as follows:

§ 5. The said bridge, when purchased by the said town, and when the bonds shall have been prepared for the payment of the consideration money thereof, shall be conveyed by the said City Island Bridge Company to the said town of Pelham, and said bridge shall thereafter be a free public bridge, to be maintained and kept in repair and order by the said town, and the said town shall thereupon become vested with all the lands, property, rights and title of the said City Island Bridge Company in and to the said bridge, and the appurtenances thereof, that may be sold and conveyed by the said company to the said town, and thereupon the said company shall be released and discharged from all duties and obligations in anywise relating to the management and repair of the said bridge, and the care thereof. And on the first day of December, eighteen hundred and ninety-one, all the rights, as the same may exist on that day of the said town, in and to the one-half part of the said bridge next to and adjoining City Island, shall be vested in and become the property of the county of Westchester, and the said one-half of the said bridge shall thereafter be repaired, renewed and kept in repair and order by the said county, and the said town shall be released and discharged from any duty or obligation in any wise relating to the management or repair of the said portion of the said bridge, or the care thereof.

Convey-
ance
of bridge
and main-
tenance
thereof.

Rights to
part of
bridge, to
vest in
county.

Mainten-
ance by
county.

§ 2. Section six of the said act is hereby amended so as to read as follows:

§ 6. It shall be lawful for the said town of Pelham, at any annual town meeting held in the said town, to elect some suitable person as bridge-keeper, whose duty it shall be to open and close the draw thereof at all proper times so as not to interfere with or obstruct the passage of vessels through such draw, and the said town is hereby authorized to collect by taxes upon the property in the said town, and to pay such bridge-keeper such annual sum as the electors of the said town at town-meeting may determine to be proper and just. And after the first day of December, eighteen hundred and ninety-one the said bridge-keeper shall be appointed by the board of supervisors of the county of Westchester, and the amount of his salary shall be fixed by them, and such amount shall be levied upon the said county and collected and paid over to him in the same manner as the salaries of other keepers of county bridges are levied, collected and paid.

Bridge-
keepers,
election,
etc., of.

Appoint-
ment, by
supervisors
hereafter.
Salary.

§ 3. Nothing herein contained shall be construed to repeal or modify any provision of chapter four hundred and twenty-one of the laws of eighteen hundred and eighty-eight.

Proviso.

§ 4. This act shall take effect immediately.

CHAP. 61.

AN ACT to amend chapter two hundred and thirty-eight of the laws of eighteen hundred and eighty-nine, entitled "An act to create a commission to pave certain streets in the village of West Troy."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, March 11, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section nine of chapter two hundred and thirty-eight of the laws of eighteen hundred and eighty-nine, is hereby amended so as to read as follows:

Sale of
bonds.

Notice
thereof.

Proceeds
of sale.

§ 9. The said board of trustees shall, upon the execution of said bonds, deliver the same to the chamberlain of said village, to be used by him as hereinafter provided. The said chamberlain shall sell said bonds at the time and in the manner directed by said paving commission; either by receiving sealed proposals for the same, or at public auction, to the highest bidder. Notice of such sale shall be given as follows: When sealed proposals are desired, notice that such proposals will be received by the chamberlain to a certain date, at which time said proposals shall be publicly opened and the sale, to the highest bidder, announced, shall be given for two successive weeks immediately preceding the day of opening such proposals, in a newspaper printed in said village of West Troy, and also for six days successively within such two weeks in a daily newspaper printed in the city of Albany, and where such sale is by public auction to the highest bidder thereat a similar notice shall be published of the time and place of said sale; but in any event none of such bonds shall be sold for less than par. The proceeds of the sale of said bonds shall be kept by the said chamberlain in a separate account, under the head of "pavement fund," and be held and paid out by him as herein provided.

§ 2. This act shall take effect immediately.

CHAP. 62.

AN ACT to authorize and provide for the erection by the city of New York, a monument in any of the public parks, squares or places belonging to said city, in honor and memory of Colonel Ward B. Burnett (deceased), of the first regiment of New York volunteers, in the army of the United States in the war with Mexico, in the years eighteen hundred and forty-six, eighteen hundred and forty-seven and eighteen hundred and forty-eight.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, March 11, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation for
monument

SECTION 1. The board of estimate and apportionment of the city of New York, is hereby authorized and empowered to appropriate and

include in the provisional and final estimate for the year eighteen hundred and ninety-two, the sum of ten thousand dollars to provide for the erection of a monument in any of the public parks, squares or places belonging to said city, in honor and memory of Colonel Ward B. Burnett (deceased), of the first regiment of New York volunteers, in the army of the United States in the war with Mexico, in the years eighteen hundred and forty-six eighteen hundred and forty-seven and eighteen hundred and forty-eight.

§ 2. This act shall take effect immediately.

CHAP. 63.

AN ACT to provide for the payment of poll-clerks and inspectors of election in the county of Albany.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, March 11, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. At all the elections hereafter held in the county of Albany, each town and city in said county shall pay the compensation, as fixed by law, of all inspectors of election, poll clerks and ballot clerks, who may render any services with reference to such elections, within such towns or cities respectively. The claims for compensation of such inspectors of election, poll clerks and ballot clerks in the towns in said county, shall, prior to such payment, be audited and allowed by the board of town auditors of such towns respectively, and paid in the same manner as other town charges, and such claims in the cities situated in said county shall be audited and paid by the chief fiscal officer of each such city. Towns and cities to pay inspectors, etc.

§ 2. This act shall take effect immediately.

CHAP. 64.

AN ACT to make the office of county clerk of Madison county a salaried office, and regulating the management of said office.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, March 11, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The clerk of the county of Madison next elected and thereafter to be elected, shall receive as compensation for his services an annual salary to be fixed by the board of supervisors of said county prior to the election of every such clerk. The salary so fixed shall not exceed eighteen hundred dollars per annum, and shall not be increased or diminished during the term for which such clerk shall have been elected. Clerk hereafter elected, salary of.

§ 2. It shall be the duty of said clerk to perform all services which he is or shall be required or authorized by law to perform by virtue of To perform all services

required by or by reason of his holding such office, for the state, for the county and for individuals, including his duties as clerk of every court of which he is or shall be clerk, and no compensation, payment or allowance shall be made to him for his own use for any such services, except the salary aforesaid.

Fees to be long to county. § 3. All the fees, emoluments and perquisites which such clerk shall charge or receive, or which he shall legally be authorized, required or entitled by law to charge or to receive, shall belong to the county of Madison. It shall be his duty to exact, collect and receive the full amount allowed by law, of all such fees, emoluments and perquisites for said county, except as hereinafter provided in this section, such clerk shall require payment in advance for recording all papers left with him for record, and shall also, in each case, require payment for all other services rendered by him or his assistants in his or their official capacity by virtue of any law of this state or by order of the board of supervisors of said county or any duty that may hereafter by law be devolved upon him. Said county clerk shall exact, collect and receive, for searching and certifying the title to, and incumbrances upon real property, for each year for which the search is made, for each name and each kind of conveyance, three cents. For recording any instrument which must or may legally be recorded by him, six cents for each folio.

Fees for searches and recording. § 4. In a proper book or books, to be provided at the expense of said county, such clerk shall keep an exact and true account of all official services performed by him or his assistants, and all moneys, fees, perquisites and emoluments received or chargeable by him or them pursuant to law. Such book or books shall constitute a part of the records of said office, and shall at all times, during office hours, be open to the inspection, without fee or charge therefor, of all persons desiring to examine the same.

Fee books, etc. § 5. Such clerk shall make a full and true statement for each calendar month of all moneys received each day by him, or his assistants, for fees, perquisites and emoluments, for all services rendered by him or them in his or their official capacity, and shall transmit and deliver such statement to the county treasurer of said county within five days from the expiration thereof.

Open to inspection. Such statement shall specify in the following order the amounts so received for the calendar month :

For recording deeds.

For recording mortgages.

For recording other documents and papers.

For docketing judgments and canceling dockets.

For searches and certificates thereof.

For copies and exemplification of papers and records.

For filing papers, and for any and all other services ; and shall also show the total receipts for said month. Every such statement shall have attached thereto an affidavit of said county clerk in effect that the same is in all respects a full and true statement of all moneys by him received as herein required.

Monthly statement of fees. § 6. At the time of rendering every such statement, such clerk shall pay over to the county of Madison for the benefit of said county, the whole amount of the moneys so received by him since making the last preceding monthly statement.

What to specify. § 7. Every county clerk elected or appointed in such county, shall, before entering upon the duties of said office, execute to the people of this state, and file with the county treasurer of said county, a bond in

Affidavit thereto.

Monthly payment to county.

Official bond of county clerk.

such penal sum, and with such sureties as shall be fixed and prescribed by the board of supervisors of said county; such bond shall be conditioned that said county clerk shall well and faithfully discharge all the duties of his office, and all trusts reposed on him by law or by virtue of his office, and shall safely keep and pay over to the said county treasurer as herein provided, all moneys which shall come into his hands. Said bond shall be approved as to its form and sufficiency of sureties by the board of supervisors, and if any such clerk shall neglect for thirty days to execute or file any such bond according to the provisions of this act, his office shall thereupon become vacant.

Failure to file bond.

§ 8. There shall be one deputy clerk, and the said board of supervisors shall have power to designate the number of special deputy clerks, and said county clerk shall appoint such deputy and such number of special deputies as may be designated by said board; also as many assistants as may be necessary for a prompt and faithful discharge of the duties of his said office, and shall be responsible for their official acts; and the salaries of said clerk, deputies and assistants shall be paid in the same manner as the salaries of other county officers are paid. The salary of the deputy clerk shall not exceed twelve hundred dollars per annum; and the special deputies, designated as hereinbefore provided, shall not exceed eight hundred dollars per annum, and the board of supervisors may determine the number of assistants and fix their salary or compensation.

Deputies and assistants.

Salaries and compensation.

§ 9. Any officer referred to in this act, or any assistant herein named, who shall receive to his own use or neglect to account for any money, fees, perquisites or emoluments by this act declared to belong to and be for the benefit of the county of Madison, or who shall neglect to render to the said county treasurer an account of all fees received at his office, or to pay over the same as herein required, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine or imprisonment, or both, at the discretion of the court before whom such officer may be convicted, and shall be liable to said county in a civil action for all moneys so received and not accounted for.

Neglect to account for fees, etc., a misdemeanor.

Punishment.

§ 10. Nothing in this act shall be read or construed so as to make the county of Madison responsible for the acts of county clerk thereof.

Proviso.

§ 11. The county clerk may require bonds, subject to his approval, from his deputy and special deputies, to secure him the faithful performance of their duties.

Bonds of deputies.

§ 12. All acts or parts of acts inconsistent herewith are hereby repealed.

Repeal.

CHAP. 65.

AN ACT to enable tribes of the Improved Order of Red Men to take, hold, mortgage and convey real and personal property.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, March 11, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever any tribe of the Improved Order of Red Men, which is or may be hereafter chartered and instituted according to the laws and regulations of that organization, and under the laws and authority of the great council of the state of New York of the Improved

Election of trustees.

Certificate thereof, how executed and filed.

Rights and privileges acquired.

Classification of trustees

Annual elections.

Vacancies, how filled.

Office of trustee, when deemed vacant.

Trustees to hold property of tribe.

Additional powers.

To obey directions.

Order of Red Men, shall be desirous of having the benefit of this act, it shall be lawful for such tribe at any regular meeting thereof, held in accordance with its by-laws and the regulations of the order, to elect three trustees for such tribe, a certificate of which election and its purposes shall be made and subscribed by the first three officers of said tribe, and stating therein the time and place of such election and the regularity thereof, the names of such trustees and the terms severally for which they are respectively allotted to serve, and the name of the tribe for which they are elected. The execution of such instrument shall be acknowledged before some officer authorized to take acknowledgments of deeds, and the same shall be filed in the office of secretary of state. Such trustees and their successors shall thereupon be entitled to all the benefits and rights granted by this act; and a copy of such certificate certified by the secretary of state, shall be evidence of the rights of said trustees to exercise all the rights and privileges conferred by this act; and said trustees shall thereupon be authorized to take, hold, mortgage and convey real and personal estate for the charitable purposes of such tribe, not exceeding the sum of fifty thousand dollars.

§ 2. The persons so first elected trustees, shall be divided by lot by said officers making said certificate, so that the term of one shall expire at the next ensuing installation of officers of such tribe, another, one year later and the third eighteen months later. One trustee shall annually thereafter, prior to the expiration of the respective terms of office of said trustees and their successors, be elected by said tribe by ballot, in the same manner and at the same time as the first three officers thereof are or shall be elected, according to the by-laws of the tribe and the regulations of the order, and a certificate of said election, under the hands of said officers and the seal of said tribe shall be evidence of said election and entitle the person so elected to act as trustee for the term of three years. Said tribe at any regular meeting may fill any vacancy that may have occurred in said board of trustees, said election to be conducted and certified in like manner as at an annual election. The person so elected shall hold his office during the term of the trustee whose place he was elected to fill. All trustees shall hold office until their successors shall be elected and qualified.

§ 3. If any person so elected as trustee shall withdraw or be suspended or expelled from said tribe, remove from the state or become otherwise incapacitated from performing his duties, his office as such trustee shall be deemed vacant and such vacancy shall be filled as provided in the last section.

§ 4. The trustees of such tribe shall be and are hereby authorized to take, hold, mortgage and convey, under the direction of said tribe and for the use and benefit thereof, all the temporalities and property belonging thereto, whether real or personal, and whether the same shall be given, granted or devised directly to said tribe or to any person in trust for it; and also in their names in addition to their titles as trustee, to sue and be sued in all courts having jurisdiction; and, to demise, mortgage, lease or improve any real estate held by them. But such trustees shall not purchase, mortgage, sell, or convey, any property, real or personal, of such tribe, except under the direction of said tribe, duly made at a regular meeting thereof, and such trustees shall at all times obey the directions and resolutions of said tribe.

§ *. This act shall take effect immediately.

CHAP. 66.

AN ACT to amend chapter two hundred and thirty-seven of the laws of eighteen hundred and seventy-two, entitled "An act revising, amending and consolidating the charter of and the several acts relating to the village of Geneseo, in the county of Livingston, modifying the powers of the corporation and the duties of its officers."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, March 11, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twelve of chapter two hundred and thirty-seven of the laws of eighteen hundred and seventy-two, is hereby amended to read as follows: Charter amended.

§ 12. Any annual or special meeting called and held in pursuance of this act may, by resolution, also direct the trustees to cause to be raised upon the taxable property of the village a specified sum of money for special purposes, in addition to the ordinary expenses as in the last foregoing section defined, in the cases, in the manner, and under the restrictions hereinafter prescribed, and for one or more of the following objects: Special village taxes.

1. To purchase fire engines and the necessary apparatus pertaining thereto, to supply the place of those worn out or unfit for use, or for the use of a new fire company, according to the provisions of subdivision eight of the last preceding section. To purchase fire apparatus

2. To purchase a site and build an engine-house thereon for such last mentioned engine. Engine-house.

3. For improving the public grounds in the village, and inclosing the reservoirs by iron fences. Improvements.

4. For purchasing a site and erecting thereon a suitable building for village purposes. Village building.

5. For procuring and erecting necessary lamp-posts, lamps and apparatus for lighting the streets of the village. Lighting streets.

6. For paying any lawful judgment against the village. Judgments.

7. For constructing new, or rebuilding any portion of the old water-works, and for increasing the ordinary expenses of the village for the current year. Water-works and ordinary expenses.

8. To make, build, rebuild or repair, in whole or in part, by said village, any particular drain or sewer situated therein. Drains, etc.

9. To purchase a machine for crushing stone to be used for the improvement of the streets and highways in said village. Stone crusher.

10. To make, build, rebuild or repair any road, bridge, wall or culvert in any of the streets or highways of said village which may be damaged or destroyed by floods or other accidents, after the levy of the village tax in any year for the current year. Repair of roads, etc., damaged by floods, etc.

§ 2. This act shall take effect immediately.

CHAP. 67.

AN ACT further to amend chapter six hundred and fifty-three of the laws of eighteen hundred and eighty-six, entitled "An act to revise and amend chapter three hundred and seventy-nine of the laws of eighteen hundred and seventy-nine, entitled 'An act prescribing the officers and employes that may be elected, appointed or employed by the senate and assembly, fixing the salary and compensation thereof and regulating the proceedings of investigating committees, and providing for the payment of the expenses thereof.'"

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, March 11, 1891. Passed, three fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

SECTION 1. Section one of chapter six hundred and fifty-three of the laws of eighteen hundred and eighty-six, entitled "An act to revise and amend chapter three hundred and seventy-nine of the laws of eighteen hundred and seventy-nine, entitled 'An act prescribing the officers and employes that may be elected, appointed or employed by the senate and assembly, fixing the salary and compensation thereof, and regulating the proceedings of investigating committees, and providing for the payment of the expenses thereof,'" is hereby amended so as to read as follows:

Officers of
senate.

§ 1. The senate may elect or appoint a clerk, a sergeant-at-arms, a stenographer, a postmaster, who shall also act as assistant sergeant-at-arms, an assistant postmaster, a post-office messenger, a principal door-keeper, four assistant door-keepers, one person who shall act as janitor of the senate chamber and its ante-rooms, and one assistant janitor, ten persons to serve as clerks of committees, one of whom shall be designated to serve as clerk to the committee on finance, one to the committee on judiciary, one to the committee on cities, one to the committee on railroads, one to the committee on canals, and the remaining five to serve, under the direction of the clerk of the senate, upon the remaining standing committees of the senate.

Clerks of
commit-
tees.

§ 2. Section three, of said chapter six hundred and fifty-three, is hereby amended so as to read as follows:

Appointees
of clerk of
senate.

§ 3. The clerk of the senate may appoint one assistant clerk, a journal clerk, an assistant journal clerk, four deputy clerks, a clerk to the committee on engrossed bills, a librarian, and an assistant librarian, an assistant financial clerk and bank messenger, a superintendent of documents, two assistant superintendents of documents, and the said superintendent of documents and his assistants shall also perform the work of the wrapping department, three messengers and ten pages, who shall be appointed for the session, and who shall not be under fourteen years of age, and they shall serve under the direction of the clerk of the senate as messengers to committees.

§ 3. This act shall take effect immediately

CHAP. 68.

AN ACT to incorporate the Interstate Fair Association.

APPROVED by the Governor March 11, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. D. C. Robinson, George Brand, George M. Robinson, James J. Bush, F. L. Zimmerman, A. S. Stillman, Charles H. Baldwin, Philip Hubbard John P. Ray, citizens of the state of New York, and their associates and successors are hereby ordained and constituted a body corporate by and under the name of the Interstate Fair Association for the purpose and object of promoting agriculture in all its various departments, the useful arts, manufactures and industries designed to develop and improve the material resources of the country by means of fairs, exhibitions and meetings to be held in the county of Chemung in this state.

Incorporators.

Corporate name and objects.

§ 2. This corporation shall consist of the above incorporators and of such other persons as shall by the by-laws of this corporation become life members of the same and no right of membership shall extend beyond the life of each member.

Life members.

§ 3. The corporation hereby created may have a common seal and alter the same at pleasure, may have succession forever, and be capable of suing and being sued, making and entering into contracts and being contracted with, may hire, lease, let and underlet lands and may acquire and hold by purchase, devise, gift or otherwise, lands not exceeding one hundred and fifty acres and use and improve the same for the purposes mentioned in this act, and may acquire and hold personal property to an amount not exceeding one hundred thousand dollars for like purposes, and such property, both real and personal, shall be exempt from taxation, either general or local.

Powers of corporation.

§ 4. The officers of this corporation shall consist of a president, sixteen vice-presidents, a secretary, a treasurer, and also an executive board consisting of five members; all of which officers shall be elected from the members of the corporation, and after the first and second elections, from those who have been members for at least one year immediately preceding their election. A majority of the members of the executive board shall constitute a quorum.

Officers.

§ 5. The said officers shall be elected annually and hold office until their successors are elected; the first election shall be held at the rooms of the Interstate Fair Association, in the city of Elmira, at twelve o'clock, noon, on the third Wednesday after this act shall become a law. Three inspectors of such first election shall be appointed, by the above-named incorporators, at a meeting to be held at eleven o'clock in the forenoon of said election day, and in said rooms, and the same number of inspectors shall thereafter be elected at each election of officers.

Annual election thereof.

Inspectors.

§ 6. The election of all the officers above named shall be by ballot, by members of the society, who shall have been such not less than thirty days immediately preceding the election, except that the first election shall be by the incorporators and such other members as shall have been members not less than five days prior to such election. Members may vote by proxy in writing bearing the date of its execution; but no proxy shall be good for any election except the first election after its date.

Elections, how conducted.

Proxies.

Duty of
officers.

§ 7. It shall be the duty of the said officers so to manage and conduct the affairs of the society as best to promote the objects thereof, and for that purpose to appoint and hold fairs and exhibitions on grounds owned or hired by it for that purpose, in the county of Chemung, distribute premiums and grant diplomas to those who make the best and most meritorious exhibition of the several departments, in such classes as may be prescribed and regulated by such executive board, shall charge and collect moneys for admission to its fairs and exhibitions, and for the use of its grounds, or any parts thereof, for such purposes as may be lawful and not inconsistent with the objects of the society.

Annual
statement
to state
comptrol-
ler.

§ 8. The president, secretary and treasurer shall annually, on or before the first of January in each year, make out and transmit to the comptroller of the state a statement of the transactions of the corporation for the year, giving in complete detail the amount of receipts and expenditures thereof, the list of premiums awarded and to whom and for what purposes, which statement shall be sworn to by said officers before some person authorized to take the acknowledgment of deeds in this state, as a true statement within the spirit, intent and meaning of this act. But the association shall not share in any of the moneys accruing under chapter four hundred and seventy-nine of the laws of eighteen hundred and eighty-seven, entitled "An act prescribing the period in each year during which, the terms under which racing may take place upon the grounds of associations incorporated for the purpose of improving the breeds of horses, and suspending the operations of certain sections of the Penal Code," and acts amendatory thereof.

Associa-
tion not to
share in
certain
moneys.

Principal
office.

§ 9. The principal office of this corporation shall be in the city of Elmira.

Division of
property
into shares
and sale
thereof.

§ 10. The said society may, if in the judgment of its officers and the executive board, the interest thereof will be best subserved, for the purpose of improving its grounds or enlarging its interests in the true intent of this act, subject to the consent of a majority of its members first obtained in writing, which shall be filed in the clerk's office in the county in which the office of said society is located, divide its real and personal property authorized by this act, except such as received by gift or devise, if a condition accompanying the same inhibit into shares of not less than ten dollars each, to an amount not exceeding the value of said property, as the same shall be appraised by the county judge of the county of Chemung, and may sell the said shares at not less than par; or for the like purpose, the said society in the same manner and with like consent, may issue bonds in a like sum, in denominations of ten dollars, with interest at a rate not to exceed six per centum per annum, both principal and interest to be payable at such times and places as the executive board may determine, signed by the president and treasurer, and countersigned by the secretary of the executive board.

Issue of
bonds.

General
powers and
liabilities.

§ 11. This corporation shall also possess the powers and be subject to the provisions and restrictions in title three, chapter eighteen, part one of the Revised Statutes.

§ 12. This act shall take effect immediately.

CHAP. 69.

AN ACT to amend chapter four hundred and seventeen of the laws of eighteen hundred and eighty-eight, entitled "An act to provide for the removal of the bridge and so much of the approaches thereto as may be necessary, over the Erie canal in Schuyler street in the city of Utica, and for the erection of a swing or lift-bridge with necessary approaches thereto in its stead."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, March 12, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter four hundred and seventeen of the laws of eighteen hundred and eighty-eight, entitled "An act to provide for the removal of the bridge and so much of the approaches thereto as may be necessary, over the Erie canal in Schuyler street, in the city of Utica, and for the erection of a swing or lift-bridge, with the necessary approaches thereto in its stead," is hereby amended so as to read as follows :

§ 1. The superintendent of public works is hereby authorized to construct a swing-bridge at the place and of the dimensions as in the next section specified, and according to plans and specifications to be prepared and approved by the state engineer and surveyor, and to construct necessary abutments and approaches, and the sum of five thousand two hundred and fifty dollars, or so much thereof as shall be necessary for constructing said bridge, and necessary abutments and approaches, is hereby appropriated for that purpose and the treasurer is hereby authorized to pay that sum, or so much thereof as shall be necessary for the purposes of this act, from the sum reappropriated by chapter three hundred and thirty-eight, laws of eighteen hundred and ninety "for removing a bridge over Erie canal in Schuyler street Utica and building in its place a swing or lift bridge," payable on the warrant of the comptroller to the order of the superintendent of public works. The operating of said bridge shall be under the direction of the superintendent of public works, but the expenses of operating the same shall be borne and paid by the city of Utica, and the common council of said city is hereby authorized and required to levy and collect taxes for such purposes.

§ 2. Section two of the aforesaid act is hereby amended so as to read as follows :

§ 2. The said bridge so to be constructed, shall be located so that the center line thereof shall be about one hundred feet west of the westerly line of Schuyler street aforesaid and have a roadway of eighteen feet in width, and said bridge shall be placed on a grade of about eleven feet above the canal bottom at the center of the canal. The work of constructing said bridge, the abutments and approaches thereto, shall be done by contract executed by and between said superintendent of public works and the contractor or contractors to whom the work therefor shall be awarded, and said work shall be let and awarded to the lowest responsible bidder or bidders after due publication and advertisement soliciting bids therefor, based upon said plans and specifications, to be prepared and furnished as hereinbefore

Expense
for inspec-
torship,
etc.

provided, but the expense for inspectorship and necessary engineering may be paid by the superintendent of public works out of the appropriation aforesaid.

§ 3. This act shall take effect immediately.

CHAP. 70.

AN ACT to amend section four hundred and three of the Code of Civil Procedure relating to limitations of actions.

APPROVED by the Governor March 12, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Exception,
when per-
son liable,
etc., dies
within
state.

SECTION 1. Section four hundred and three of the Code of Civil Procedure is hereby amended so as to read as follows:

§ 403. The term of eighteen months after the death, within this state, of a person against whom a cause of action exists, or of a person who shall have died within sixty days after an attempt shall have been made to commence an action against him pursuant to the provision of section three hundred and ninety-nine of this act, is not a part of the time limited for the commencement of an action against his executor or administrator. If letters testamentary or letters of administration upon his estate are not issued, within the state, at least six months before the expiration of the time to bring the action, as extended by the foregoing provision of this section, the term of one year after such letters are issued is not a part of the time limited for the commencement of such an action.

§ 2. This act shall take effect immediately.

CHAP. 71.

AN ACT to amend chapter five hundred and forty-five of the laws of eighteen hundred and eighty-eight, entitled "An act to provide for lectures for workingmen and workingwomen," as amended by chapter three hundred and eighty-three of the laws of eighteen hundred and eighty-nine, and as further amended by chapter three hundred and five of the laws of eighteen hundred and ninety.

APPROVED by the Governor March 13, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

SECTION 1. Section three of chapter five hundred and forty-five of the laws of eighteen hundred and eighty-eight, entitled "An act to provide for lectures for workingmen and workingwomen," as amended by chapter three hundred and eighty-three of the laws of eighteen hundred and eighty-nine, and as further amended by chapter three hundred and five of the laws of eighteen hundred and ninety, is hereby amended so as to read as follows:

§ 3. No admission fee shall be charged, and at least one school in each ward of said city or such hall or halls therein, if there is not suitable accommodation in the school buildings for persons attending said lectures, where in the judgment of the said board of education it is practicable or expedient, shall be selected and designated by said board for the purpose of carrying out the provisions of this act, and one or more lectures, in the discretion of said board, shall be delivered in each school or other building so selected and designated in each week, between the first day of October in each year and the thirty-first day of March in each succeeding year, excepting the two weeks preceding and the week following the first day of January in each year; and such lecture or lectures may be advertised in a newspaper or newspapers published in said city, or otherwise, as the said board of education in its discretion shall determine. The board of estimate and apportionment of the city and county of New York is hereby authorized to appropriate annually sufficient money to carry out the provisions of this act.

Lectures to be free.

Where and when delivered.

Annual appropriation.

§ 2. This act shall take effect immediately.

CHAP. 72.

AN ACT to amend chapter ninety-one of the laws of eighteen hundred and eighty-nine, entitled "An act to provide for the construction of drains and sewers in the twenty-sixth ward and adjoining wards in the city of Brooklyn."

APPROVED by the Governor March 13, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter ninety-one of the laws of eighteen hundred and eighty-nine, entitled "An act to provide for the construction of drains and sewers in the twenty-sixth ward and adjoining wards in the city of Brooklyn," is hereby amended so as to read as follows:

§ 2. To meet the cost of the construction of the drains and sewers authorized to be constructed under the provisions of this act, the mayor, comptroller and city clerk shall, on the requisition of the commissioner of the department of city works, and from time to time as may be required, prepare and issue bonds of the city of Brooklyn, to be called "twenty-sixth and adjacent wards sewer bonds," signed, sealed and countersigned in the same manner as other bonds of the said city, and bearing interest at a rate not to exceed three per centum per annum. Not more than one million five hundred thousand dollars of said bonds shall be issued, and the said bonds shall be issued in separate series of one hundred thousand dollars respectively. Two of the said series of one hundred thousand dollars each shall be made due and payable in the year one thousand nine hundred and fourteen, and the other succeeding series of said bonds shall be so made due and payable that one of the series of said bonds, and only one, shall fall due and be payable in each and every year following the said year one thousand nine hundred and fourteen, up to but not including the year one thousand nine hundred and twenty-eight. None of said bonds shall be sold at less than the par value thereof. The proceeds thereof

Issue of city sewer bonds authorised.

Amount, rate of interest and when payable.

Expense
for inspec-
torship,
etc.

provided, but the expense for inspectorship and necessary engineering may be paid by the superintendent of public works out of the appropriation aforesaid.

§ 3. This act shall take effect immediately.

CHAP. 70.

AN ACT to amend section four hundred and three of the Code of Civil Procedure relating to limitations of actions.

APPROVED by the Governor March 12, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Exception,
when per-
son liable,
etc., dies
within
state.

SECTION 1. Section four hundred and three of the Code of Civil Procedure is hereby amended so as to read as follows:

§ 403. The term of eighteen months after the death, within this state, of a person against whom a cause of action exists, or of a person who shall have died within sixty days after an attempt shall have been made to commence an action against him pursuant to the provision of section three hundred and ninety-nine of this act, is not a part of the time limited for the commencement of an action against his executor or administrator. If letters testamentary or letters of administration upon his estate are not issued, within the state, at least six months before the expiration of the time to bring the action, as extended by the foregoing provision of this section, the term of one year after such letters are issued is not a part of the time limited for the commencement of such an action.

§ 2. This act shall take effect immediately.

CHAP. 71.

AN ACT to amend chapter five hundred and forty-five of the laws of eighteen hundred and eighty-eight, entitled "An act to provide for lectures for workingmen and workingwomen," as amended by chapter three hundred and eighty-three of the laws of eighteen hundred and eighty-nine, and as further amended by chapter three hundred and five of the laws of eighteen hundred and ninety.

APPROVED by the Governor March 13, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

SECTION 1. Section three of chapter five hundred and forty-five of the laws of eighteen hundred and eighty-eight, entitled "An act to provide for lectures for workingmen and workingwomen," as amended by chapter three hundred and eighty-three of the laws of eighteen hundred and eighty-nine, and as further amended by chapter three hundred and five of the laws of eighteen hundred and ninety, is hereby amended so as to read as follows:

§ 3. No admission fee shall be charged, and at least one school in each ward of said city or such hall or halls therein, if there is not suitable accommodation in the school buildings for persons attending said lectures, where in the judgment of the said board of education it is practicable or expedient, shall be selected and designated by said board for the purpose of carrying out the provisions of this act, and one or more lectures, in the discretion of said board, shall be delivered in each school or other building so selected and designated in each week, between the first day of October in each year and the thirty-first day of March in each succeeding year, excepting the two weeks preceding and the week following the first day of January in each year; and such lecture or lectures may be advertised in a newspaper or newspapers published in said city, or otherwise, as the said board of education in its discretion shall determine. The board of estimate and apportionment of the city and county of New York is hereby authorized to appropriate annually sufficient money to carry out the provisions of this act.

Lectures to be free.

Where and when delivered.

Annual appropriation.

§ 2. This act shall take effect immediately.

CHAP. 72.

AN ACT to amend chapter ninety-one of the laws of eighteen hundred and eighty-nine, entitled "An act to provide for the construction of drains and sewers in the twenty-sixth ward and adjoining wards in the city of Brooklyn."

APPROVED by the Governor March 13, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter ninety-one of the laws of eighteen hundred and eighty-nine, entitled "An act to provide for the construction of drains and sewers in the twenty-sixth ward and adjoining wards in the city of Brooklyn," is hereby amended so as to read as follows:

§ 2. To meet the cost of the construction of the drains and sewers authorized to be constructed under the provisions of this act, the mayor, comptroller and city clerk shall, on the requisition of the commissioner of the department of city works, and from time to time as may be required, prepare and issue bonds of the city of Brooklyn, to be called "twenty-sixth and adjacent wards sewer bonds," signed, sealed and countersigned in the same manner as other bonds of the said city, and bearing interest at a rate not to exceed three per centum per annum. Not more than one million five hundred thousand dollars of said bonds shall be issued, and the said bonds shall be issued in separate series of one hundred thousand dollars respectively. Two of the said series of one hundred thousand dollars each shall be made due and payable in the year one thousand nine hundred and fourteen, and the other succeeding series of said bonds shall be so made due and payable that one of the series of said bonds, and only one, shall fall due and be payable in each and every year following the said year one thousand nine hundred and fourteen, up to but not including the year one thousand nine hundred and twenty-eight. None of said bonds shall be sold at less than the par value thereof. The proceeds thereof

Issue of city sewer bonds authorized.

Amount, rate of interest and when payable.

Proceeds,
how
credited.
Payments
from sewer
fund.

shall be paid to the city treasurer, to the credit of a fund to be denominated the "twenty-sixth ward and adjacent wards drain and sewer funds," and shall be paid therefrom upon proper vouchers in the usual manner for the purposes aforesaid and for those purposes only, as the said money, or parts thereof, may be required for said purposes from time to time.

§ 2. Section three of said act aforesaid is hereby amended so as to read as follows:

Moneys
raised,
how ex-
pended.

§ 3. The moneys to be raised under the provisions of this act shall be expended solely for the preparation of maps and plans for the drainage of the district comprising the twenty-sixth ward of the city of Brooklyn and the wards adjoining, and for the construction of such main sewer or main sewers as shall be necessary for the reception of the sewage from all lateral sewers and drains within said district and for the construction at, or near the outlet of such main sewer or proper sewage retention reservoirs and all buildings or other structures as shall be necessary for the treatment and reception of the sewage from such main sewer, and the disinfection and discharge thereof, and for the acquisition of all lands or interests in lands as hereinafter provided, as may be necessary for the purposes hereinbefore by this section specified.

Assess-
ment of
cost of im-
provement.

The said commissioner of city works shall fix a district of assessment for said improvement, and shall apportion and assess the entire cost of said improvement upon the lands and premises within said district of assessment in proportion to the amount of benefit derived by each of said lots without regard to the assessed valuation thereof, as in his judgment shall be just, and shall prepare a list showing the separate parcels of land within said district of assessment and the amounts apportioned and assessed upon the same respectively, and shall publish in each of the corporation newspapers once in each week for four weeks successively, a notice to the effect that said list has been prepared and that all persons interested therein may examine the same at the office of said commissioner of city works and may present their objections in writing to the same, and be heard in relation to the same at a meeting thereof to be held at a time and place to be specified in said notice, not less than thirty days after the first publication of said notice.

Hearing of
objections.

The said commissioner of city works shall, at the place specified in said notice, and at any time or times to which said hearing shall be adjourned, proceed to hear the allegations and proofs of all parties who shall present such objections in writing, and after such hearing shall revise said lists and correct the same as in his judgment he shall deem proper and just, and shall complete the same and file a copy thereof, signed by him in the office of the clerk of the county of Kings. The corporation counsel of said city shall thereupon publish in the corporation newspapers twice in each week, for two successive weeks, notice that application will be made to the supreme court at a special term thereof to be held at the courthouse in the county of Kings at a time to be specified in said notice, for the confirmation of said apportionment and assessment. The court shall thereupon proceed to hear the arguments of the several parties who may have presented objection in writing to said assessment, to said commissioner of city works, and may confirm the same or return the same to said commissioner of city works for correction or amendment, and may adjourn said hearing until the further return of said board thereon, and upon such return may confirm the said assessment and apportionment. Said confirmation of said assessment and apportionment shall be final and conclusive upon all owners of lands and

Confirma-
tion of
assess-
ment.

upon all persons affected thereby. Said apportionment and assessment shall be a lien upon the lots or parcels of land affected thereby from the time said assessment and apportionment shall be confirmed as aforesaid. The commissioner of city works shall thereupon divide the amount apportioned and assessed upon each parcel of land into ten equal parts or installments, and shall before the fifteenth day of November in each year transmit to the collector of taxes and assessments a proper record of such installments, respectively, together with interest upon the same, at the rate of six per centum per annum, from the date of such confirmation to the first day of December, in such year, which record shall be to him a full and proper warrant for collecting the said installments respectively so levied, together with the interest thereon as aforesaid. The said installments shall in each case be due and payable on the first day of December following the date of each return and shall be collected in the same manner and be subject to the same rebate and default as is provided by law in the case of assessments in said city, and all the provisions of law applicable to the sale of lands for the non-payment of assessments in said city shall apply to the said assessment provided for herein. The owner of any parcel of land so assessed for said improvement may at any time after the first installment shall have become due and payable, pay to the comptroller of the city of Brooklyn all the installments of the sum made chargeable upon said lands ascertained and fixed as hereinbefore provided, together with interest at the rate of six per centum thereon from the date of such confirmation to the date of payment, thereupon the said lands shall be discharged from all further liability on account of such assessment. For the purpose of making such payments such owner shall present to the comptroller the certificate of the collector of taxes and assessments showing the amount of said installments not due and payable, and upon receiving such payment the comptroller shall certify the same to the collector of taxes, and the said collector shall cancel the assessment so paid. The collector of taxes and assessment shall cause to be printed on all bills made out in his office for installments of said assessment a reference to this act and a notification that the remaining installments may be paid and canceled in the manner herein provided. All moneys collected upon said assessment shall be applied first to the payment of the interest accrued and due on the bonds issued under the provisions of this act, and the surplus remaining after such payment shall be paid over to the commissioners of the sinking fund and be held to apply to the payment of said bonds subsequently accruing interest.

Lien upon lands.

Installments, assessments divided into.

When due and how collected.

Payment before due.

Notice on assessment bills.

Collections, how applied.

§ 3. Section four of said act is hereby amended so as to read as follows:

§ 4. In case it becomes necessary, in carrying the improvements hereinbefore provided for, to construct a drain or sewer through any part of any street or avenue not opened by law, and such drains or sewers can not be constructed according to the plan and location fixed as hereinbefore provided without being carried through any part of such street or avenue not opened as a public street or avenue, or in case it shall become necessary in carrying out the provisions of this act to construct any sewage retention reservoir, buildings, or other structures or sewers on, through, over or across private property at or near the outlet of such drains or sewers, or to acquire an easement in any land for any of the purposes specified in this act, the commissioner of city works is hereby authorized and empowered to acquire

Lands and easements for improvements.

How
acquired.

an easement in and through such unopened streets for sewer purposes, and to acquire a fee in the lands required for sewage retention, reservoir, buildings, and to acquire an easement in any lands necessary for, any of the purposes of this act in the name of the city of Brooklyn, either by purchase of said easement or lands, or by acquiring and taking the same for the purposes herein mentioned by the proceedings prescribed in and by chapter twenty-three of the Code of Civil Procedure of the state of New York.

§ 4. This act shall take effect immediately.

CHAP. 73.

AN ACT to reappropriate the unexpended balance of a former appropriation for the payment of awards of the board of claims, and for making further appropriation for the payment of the awards of the board of claims.

APPROVED by the Governor March 18, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Reappropriation of unexpended balance.

SECTION 1. The balance remaining in the treasury unexpended of the sum of seventy-four thousand five hundred seventy-three dollars and eighty cents, appropriated by chapter fifty-two of the laws of eighteen hundred and ninety, entitled "An act to reappropriate the unexpended balance of a former appropriation for the payment of awards of the board of claims, and for making further appropriation for the payment of the awards of the board of claims," being the sum of thirty-one thousand two hundred and fifty dollars, is hereby reappropriated to pay awards made or to be made by said board of claims in claims other than those on account of the canals of this state during the present calendar year, with interest upon said awards from the date thereof, respectively; but no awards to be paid except upon the filing with the comptroller of a copy of such award duly certified by the clerk of the board, and a certificate of the attorney-general that no appeal from such award has been or will be taken by the state.

Conditions of payment.

Appropriation for future awards.

Conditions of payment.

§ 2. The further sum of fifty thousand dollars, or so much thereof, as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, to pay awards which may be made by the said board of claims, in claims other than those on account of the canals of this state, during the present calendar year, with interest upon said awards from the date thereof, respectively; but no such awards to be paid, except upon the filing with the comptroller of a copy of such award duly certified by the clerk of the board, and a certificate of the attorney-general that no appeal from such award has been or will be taken by the state.

§ 3. This act shall take effect immediately.

CHAP. 74.

AN ACT to amend section two of chapter one hundred and eighty-one of the laws of eighteen hundred and seventy-five, entitled "An act to authorize the villages of the state of New York to furnish pure and wholesome water to the inhabitants thereof," as amended by chapter eighty-six of the laws of eighteen hundred and seventy-nine, and by chapter one hundred and seventy of the laws of eighteen hundred and eighty-five.

APPROVED by the Governor March 14, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter one hundred and eighty-one of the laws of eighteen hundred and seventy-five, entitled "An act to authorize the villages of the state of New York to furnish pure and wholesome water to the inhabitants thereof," as amended by chapter eighty-six of the laws of eighteen hundred and seventy-nine, and by chapter one hundred and seventy of the laws of eighteen hundred and eighty-five is hereby amended so as to read as follows: Act amended.

§ 2. For the purposes of this act said authorities are hereby defined to be in villages as follows, namely: First, the president and trustees thereof. The terms of office of said commissioners shall respectively continue for the terms for which said authorities shall be or shall have been respectively elected; or second, the same number of commissioners as hereinbefore provided for, to be elected by the residents of such village, qualified to vote for trustees, at a special election to be called by the trustees of such village on the written request of a majority of the resident taxpayers of said village, whose names appear on the last assessment-roll of said village, for the purpose of electing said commissioners. The trustees shall give notice of said special election in the same manner as provided for in section twenty-one of the act hereby amended. Said election shall be by ballot. The said board of trustees, or any of them, shall preside at and certify the result of said election, which shall be conducted in the same manner as an annual election for trustees; provided, however, that all such water commissioners shall be elected at large in said villages, and not by any ward, district or division thereof. The clerk of the village shall forthwith serve upon the commissioners elected notice of their election, and they shall within five days thereafter, make and file with said clerk an official oath that they will faithfully discharge the duties to the office to which they have been elected. No person shall be eligible to the office of commissioner unless eligible to the office of trustee. Said commissioners shall, at their first meeting, divide themselves by lot into three classes, whose terms of office shall expire respectively in one, two and three years from the next succeeding annual election of such village. From and after the said special election the election of successors to said commissioners shall take place at the annual elections of said village. Vacancies in the board of water commissioners, caused by death, resignation or otherwise, shall be filled by the board of trustees of such village, the appointee to hold office until his successors shall be elected at the next annual election and shall have qualified; provided, however, that this act shall not impair or affect nor be construed to repeal any of the provisions of chapter eighty of the laws of Water commissioners.
Election thereof.
Official oath.
Eligibility.
Commissioners to be classified.
Annual election.
Vacancies.
Proviso.

eighteen hundred and eighty-two, entitled "An act to provide for a separate board of water commissioners in the village of Suspension Bridge, Niagara county, in the place of the trustees of said village, the mode and time of their election, and defining their powers, duties and term of office," nor of the acts amending the same.

§ 2. This act shall take effect immediately.

CHAP. 75.

AN ACT to authorize the board of health of the town of Gravesend, in the county of Kings, to sell and convey certain unused sewer property, of sewer district number one, of said town, the proceeds thereof to be applied in liquidating the bonded indebtedness of said sewer district.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, March 16, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sale of
certain
lands
authorized.

SECTION 1. The board of health of the town of Gravesend in the county of Kings, or a majority of them, are hereby empowered to sell at public auction for cash, to the highest bidder or bidders, at a sum not less than the purchase price paid by the town of Gravesend for the same, and to give a warranty deed or deeds, to the purchaser of the same, certain lands purchased by said board, under chapter four hundred and ninety-three of the laws of eighteen hundred and eighty-five, entitled "An act to provide for the construction and maintenance of sewers in the town of Gravesend, in the county of Kings," and the amendment thereto, chapter six hundred and sixty-two, laws of eighteen hundred and eighty-seven, for the sewer system of sewer district number one of school district number six of said town, situate on the Ocean Parkway, in said town, said lands not being necessary or required for the sewer system in said sewer district.

Disposal of
proceeds.

§ 2. The money derived from the sale of said lands, after deducting the cost of surveying, advertising, auctioneers' fees and necessary legal expenses, shall be paid over to the bond account for the construction of the system of sewers in said district.

Advertis-
ement of
sale.

§ 3. The sale of said lands shall be advertised in three daily newspapers published in the county of Kings, each day for a period not less than twenty days, and in a weekly newspaper having a circulation in said county, not less than four insertions, giving notice of the time, place and terms of sale of said property.

Repeal.

§ 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 5. This act shall take effect immediately.

CHAP. 76.

AN ACT reappropriating the unexpended balance of moneys appropriated by chapter seventy-two laws of eighteen hundred and eighty-eight, for the state armory at Syracuse.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, March 16, 1891.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of thirty-seven hundred and eighteen dollars and twelve cents of the sum of sixteen thousand dollars appropriated by chapter seventy-two, laws of eighteen hundred and eighty-eight, for the state armory at Syracuse, for paving the gutters around the park and curbing the same; for flagging the walk in and around the park and for purchase of materials therefor; for constructing inlets from gutters to main sewer of Jefferson street, and for purchase of basins therefor; for raising and repairing fence; for painting fence, and for necessary grading for such work and of the park in order to conform to the grade established by the municipal authorities of said city and the requirements of the common council thereof is hereby reappropriated for the same purpose to be expended by the commissioners as required by said act.

Reappropriation
for armory

§ 2. This act shall take effect immediately.

CHAP. 77.

AN ACT to provide for the removal of the bridge and the approaches thereto, in Church street, over the Erie canal, in the city of Schenectady, and the erection of a hoist or lift bridge in its stead, and making an appropriation therefor

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, March 16, 1891.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The superintendent of public works is hereby authorized to remove the bridge over the Erie canal, in Church street, in the city of Schenectady, and to build in its place a hoist or lift bridge of the dimensions in the next section specified, according to plans to be drawn and approved by the state engineer and surveyor, the same to be constructed before the opening of canal navigation in the year eighteen hundred and ninety-one, or as soon as possible thereafter; provided, however, that the operating of said bridge shall be under the direction of the superintendent of public works, and the expense thereof shall be paid by the city of Schenectady, and the authorities of the said city are hereby authorized to levy taxes for such purpose.

Removal
and erection
of
bridge.

Bridge,
how operated.

§ 2. The said bridge so to be constructed, shall have a roadway located on the center line of Church street twenty-four feet in width, with foot passages on each side five feet wide, and properly graded ap-

Manner of
construction.

proaches thereto. There shall also be provided a suitable foot bridge attached to one of the fixed trusses, in addition to those attached to the movable roadway of said bridge, with iron stairways leading from the ends of said fixed foot bridge to the street.

Contracts
for work.

§ 3. The work to be done under this act shall be let by contract to the lowest responsible bidder by the superintendent of public works after due advertisement therefor, upon plans and specifications to be prepared and furnished by the state engineer and surveyor, and no moneys hereby appropriated shall be used or expended for work done except under and by virtue of such contract.

Appropriation,
and how payable.

§ 4. The sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, to carry into effect the provisions of this act, which amount shall be paid by the treasurer upon the warrant of the comptroller and the requisition of the superintendent of public works as he may require the same in the progress of said work.

§ 5. This act shall take effect immediately.

CHAP. 78.

AN ACT authorizing the Herkimer, Newport and Poland Narrow Gauge Railway Company to change its gauge, and to authorize such railway company to reincorporate as a standard gauge railroad under the name of the Herkimer, Newport and Poland Railway Company.

APPROVED by the Governor March 16, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Change of
gauge
authorized.

SECTION 1. The Herkimer, Newport and Poland Narrow Gauge Railway Company, by and with the consent of the state railroad commissioners, is hereby authorized to change its gauge of three feet and six inches between the rails to a standard gauge, whenever the stockholders of said railway company owning three-fourths in amount of its capital stock shall consent thereto, or in writing request the directors to make such change.

Reincorporation
of company.

§ 2. The stockholders of the Herkimer, Newport and Poland Narrow Gauge Railway Company representing not less than three-fourths in amount of the capital stock of the said company are hereby authorized and empowered by and with the consent of the railroad commissioners, to make and file new articles of incorporation and to reincorporate under the general railway laws of this state, in which the said railway company may be styled the Herkimer, Newport and Poland Railway Company.

Corporate
name.

Effect of
new
articles.

§ 3. That upon making and filing such new articles of incorporation the same shall take the place of the articles of incorporation now on file of the Herkimer, Newport and Poland Narrow Gauge Railway Company and have the same force and effect as if originally made and filed as and for the articles of incorporation of said railway company.

Liabilities,
not
changed.

§ 4. Nothing in this act contained is intended to change or impair or does in any way change or impair the liability of the said railway company under its new articles of incorporation to pay and discharge all the bonds, debts and liabilities of the said Herkimer, Newport and

Poland Narrow Gauge Railway Company as the same now exist, such bonds, debts and liabilities to continue and be enforceable against the Herkimer, Newport and Poland Railway Company the same as if originally contracted under or by that name.

§ 5. Nothing in this act contained is intended to confer upon such railway company under its changed name and gauge any power, duties or obligations not authorized under the general laws of this state in relation to the formation of railroad corporations, nor in any manner to limit or restrict such powers, duties or obligations.

Unauthorized powers, not conferred.

§ 6. This act shall take effect immediately.

CHAP. 79.

AN ACT to amend chapter three hundred and sixty-three of the laws of eighteen hundred and eighty-nine, entitled "An act to authorize the St. Mary's Female Hospital, in the city of Brooklyn, to transfer its corporate powers and property to the St. Mary's Maternity and Infants' Home in said city."

APPROVED by the Governor March 16, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of chapter three hundred and sixty-three of the laws of eighteen hundred and eighty-nine, entitled "An act to authorize the St. Mary's Female Hospital in the city of Brooklyn, to transfer its corporate powers and property to the St. Mary's Maternity and Infants' Home in said city," is hereby amended so as to read as follows:

Act amended.

§ 3. Any bequest or devise to the said St. Mary's Female Hospital in any will heretofore made or which may hereafter be made, shall not lapse because the said corporation has ceased to exist as a body corporate, but the said St. Mary's Maternity and Infants' Home as the successor of the corporation above mentioned shall have full power and authority to take, receive and hold such bequest or devise as if the same had originally been made to it. Nothing herein contained shall in any way limit the power of any testator to revoke any such legacy or devise.

Bequests to hospital not to lapse, etc.

§ 2. This act shall take effect immediately.

CHAP. 80.

AN ACT to amend chapter five hundred and thirty-eight of the laws of eighteen hundred and eighty-five, entitled "An act to provide for the organization and regulation of corporations to examine and guarantee bonds and mortgages and titles to real estate."

APPROVED by the Governor March 16, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section nine of chapter five hundred and thirty-eight of the laws of eighteen hundred and eighty-five, entitled "An act to

Act amended.

CHAP. 83.

AN ACT in relation to the house of worship, known as temple Beth-El, in the city of New York.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four section nine of the Constitution, March 17, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Release
from taxes.

SECTION 1. The building erected for worship upon and the real estate of the temple Beth-El, situated at the southeast corner of Fifth avenue and Seventy-sixth street, in the nineteenth ward, in the city of New York, and known as lots numbered sixty-seven, sixty-eight, sixty-nine, seventy, seventy-one and seventy-two, in block numbered four hundred and sixty, are hereby released and discharged of and from the taxes levied and assessed thereon for the year eighteen hundred and ninety.

§ 2. This act shall take effect immediately.

CHAP. 84.

AN ACT to amend chapter three hundred and fifty-one of the laws of eighteen hundred and twenty-nine, entitled "An act to incorporate the village of Fredonia," as amended by chapter one hundred and forty-one of the laws of eighteen hundred and sixty-six as further amended by chapter three hundred and eighty-three of the laws of eighteen hundred and eighty-one.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, March 17, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section eighteen of said act is hereby amended so as to read as follows:

Annual
village tax.

Tax for
village in-
debtedness
and hall.

§ 18. The trustees of said village may cause to be raised and collected a sum which shall not exceed five mills on a dollar of the assessed valuation of the real and personal property of said village, in any one year, for defraying all the ordinary and contingent expenses of said village, and herein otherwise provided for, to be raised annually by general tax. Also the trustees of said village shall cause to be raised and collected for the year eighteen hundred and ninety-one, a further sum which shall not exceed six mills on a dollar of the assessed valuation of the real and personal property of said village as shown by the village assessment-roll for that year, for paying the existing indebtedness of said village, defraying the cost and expenses of furnishing the village hall of said village and rendering said village hall in proper condition for use and occupation. An* whereas, a majority of the tax-paying electors of said village, at a special election

*So in the original.

held for that purpose, voted to raise the sum of twelve thousand dollars for the purpose of providing said village with a system of electric lights for lighting its streets, and authorized the trustees of said village to temporarily borrow said amount upon the credit of said village. The trustees of said village may also cause to be raised and collected for the year eighteen hundred and ninety-one, a sum which shall not exceed four thousand dollars upon the assessed valuation of the real and personal property of said village, as shown by the village assessment-roll for said year; and a sum not exceeding four thousand dollars, in like manner, in each year thereafter, until said sum of twelve thousand dollars with all accrued interest shall be fully paid. The tax or taxes ordered to be raised pursuant to this section may be raised as a gross tax on the assessment-roll, without specifying in such roll the purposes for which the said moneys are to be raised, but the trustees shall, in the order directing the assessment, specify the purposes for which the said moneys are to be raised and the amount to be raised for each purpose.

Tax for
electric
lights.

Taxes, how
raised.

§ 2. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

Repeal.

§ 3. The act shall take effect immediately.

CHAP. 85.

AN ACT to repeal chapter six hundred and ninety-one of the laws of eighteen hundred and sixty-eight, entitled "An act to regulate the fees of commissioners of highways in the county of Suffolk."

APPROVED by the Governor March 18, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter six hundred and ninety-one of the laws of eighteen hundred and sixty-eight, entitled "An act to regulate the fees of commissioners of highways in the county of Suffolk," is hereby repealed.

§ 2. This act shall take effect immediately.

CHAP. 86.

AN ACT to grant, convey and release to certain charitable institutions the interest of the people of the state of New York in certain property formerly of Harriet Flint, of the city of New York, deceased.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, March 19, 1891. Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the right, title and interest of the people of the state of New York, in and to so much of the real and personal estate

Interest of
state re-
leased to

CHAP. 83.

AN ACT in relation to the house of worship, known as temple Beth-El, in the city of New York.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four section nine of the Constitution, March 17, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Release
from taxes.

SECTION 1. The building erected for worship upon and the real estate of the temple Beth-El, situated at the southeast corner of Fifth avenue and Seventy-sixth street, in the nineteenth ward, in the city of New York, and known as lots numbered sixty-seven, sixty-eight, sixty-nine, seventy, seventy-one and seventy-two, in block numbered four hundred and sixty, are hereby released and discharged of and from the taxes levied and assessed thereon for the year eighteen hundred and ninety.

§ 2. This act shall take effect immediately.

CHAP. 84.

AN ACT to amend chapter three hundred and fifty-one of the laws of eighteen hundred and twenty-nine, entitled "An act to incorporate the village of Fredonia," as amended by chapter one hundred and forty-one of the laws of eighteen hundred and sixty-six as further amended by chapter three hundred and eighty-three of the laws of eighteen hundred and eighty-one.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, March 17, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section eighteen of said act is hereby amended so as to read as follows:

Annual
village tax.

§ 18. The trustees of said village may cause to be raised and collected a sum which shall not exceed five mills on a dollar of the assessed valuation of the real and personal property of said village, in any one year, for defraying all the ordinary and contingent expenses of said village, and herein otherwise provided for, to be raised annually by general tax. Also the trustees of said village shall cause to be raised and collected for the year eighteen hundred and ninety-one, a further sum which shall not exceed six mills on a dollar of the assessed valuation of the real and personal property of said village as shown by the village assessment-roll for that year, for paying the existing indebtedness of said village, defraying the cost and expenses of furnishing the village hall of said village and rendering said village hall in proper condition for use and occupation. And whereas, a majority of the tax-paying electors of said village, at a special election

Tax for
village in-
debtedness
and hall.

*So in the original.

held for that purpose, voted to raise the sum of twelve thousand dollars for the purpose of providing said village with a system of electric lights for lighting its streets, and authorized the trustees of said village to temporarily borrow said amount upon the credit of said village. The trustees of said village may also cause to be raised and collected for the year eighteen hundred and ninety-one, a sum which shall not exceed four thousand dollars upon the assessed valuation of the real and personal property of said village, as shown by the village assessment-roll for said year; and a sum not exceeding four thousand dollars, in like manner, in each year thereafter, until said sum of twelve thousand dollars with all accrued interest shall be fully paid. The tax or taxes ordered to be raised pursuant to this section may be raised as a gross tax on the assessment-roll, without specifying in such roll the purposes for which the said moneys are to be raised, but the trustees shall, in the order directing the assessment, specify the purposes for which the said moneys are to be raised and the amount to be raised for each purpose.

Tax for electric lights.

Taxes, how raised.

§ 2. All acts and parts of acts inconsistent with the provisions of Repeal. this act, are hereby repealed.

§ 3. The act shall take effect immediately.

CHAP. 85.

AN ACT to repeal chapter six hundred and ninety-one of the laws of eighteen hundred and sixty-eight, entitled "An act to regulate the fees of commissioners of highways in the county of Suffolk."

APPROVED by the Governor March 18, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter six hundred and ninety-one of the laws of eighteen hundred and sixty-eight, entitled "An act to regulate the fees of commissioners of highways in the county of Suffolk," is hereby repealed.

§ 2. This act shall take effect immediately.

CHAP. 86.

AN ACT to grant, convey and release to certain charitable institutions the interest of the people of the state of New York in certain property formerly of Harriet Flint, of the city of New York, deceased.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, March 19, 1891. Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the right, title and interest of the people of the state of New York, in and to so much of the real and personal estate

Interest of state released to

certain
institutions.

formerly of Harriet Flint, late of the city, county and state of New York, deceased, as is mentioned in the sixth clause of her last will and testament, dated the sixteenth day of February, eighteen hundred and eighty-two, and therein described as all the rest, residue and remainder of her estate, is hereby granted, conveyed and released, in equal shares to and vested in, the following corporations, located in the said city of New York:

1. "The Society for the Relief of the Destitute Blind."
2. The "Home for Incurables."
3. The "New York Institution for the Blind."
4. The "New York Society for the Relief of the Ruptured and Crippled."
5. "The Sheltering Arms."
6. The "Methodist Episcopal Church Home."

Payment,
etc., to re-
leasees.

And the executrix of the said will, and her successors, are hereby authorized to assign, transfer, convey and pay over to the said releasees the said residuary estate of Harriet Flint, deceased, and all such assignments, transfers, conveyances and payments shall be as valid and effectual, and shall have the same force and effect as if made to the people of the state of New York.

Proviso.

§ 2. Nothing herein contained shall impair, release or discharge any right, claim or interest of any next of kin or heir-at-law of the said Harriet Flint, in or to the property hereinabove mentioned, if there be any such next of kin or heir-at-law.

§ 3. This act shall take effect immediately.

CHAP. 87.

AN ACT to authorize the judges of the second division of the court of appeals to appoint a messenger and providing for payment of his salary.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, March 19, 1891.
Passed, three-fifths being present

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appoint-
ment.

Appropri-
ation.

SECTION 1. The judges of the second division of the court of appeals of this state are hereby authorized to appoint, and at pleasure remove, a messenger to attend on said court and the judges thereof, at a salary to be fixed by them not exceeding seven hundred and fifty dollars per year, to be paid in monthly installments. The sum of five hundred dollars is hereby appropriated out of any money in the treasury not otherwise appropriated for payment of such salary for the residue of the present fiscal year.

§ 2. This act shall take effect immediately.

CHAP. 88.

AN ACT to amend sections eleven hundred and thirty-one, eleven hundred and forty-six, eleven hundred and forty-seven, eleven hundred and forty-eight and eleven hundred and fifty of the Code of Civil Procedure, relating to the commissioner of jurors.

APPROVED by the Governor, March 19, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section eleven hundred and thirty-one of the Code of Civil Procedure is hereby amended so as to read as follows:

§ 1131. The clerk of each court of record in the county of Kings must, within one week after the close of each term for which trial jurors have been drawn, or after the discharge of the trial jurors, if they are discharged before the close of the term, return to the commissioner of jurors the panel of trial jurors with the commissioner's return received from the commissioner, as prescribed in section one thousand one hundred and forty-eight of this act, or a copy of each of those papers, certified by the clerk. The clerk must also deliver to the commissioner therewith a certificate, specifying distinctly and in detail as follows:

1. The name and residence of each juror who attended and served, and the number of days he actually served.

2. The name and residence of each juror who was excused or discharged, with the reason therefor.

3. The name and residence of each person notified, who did not attend or serve.

4. The name and residence of each person fined, and the date and amount of his fine.

The return and certificate must be filed in the office of the commissioner, who must also record therefrom, upon the list originally made by him, the date and amount of service, performed by each person, as therein set forth.

§ 2. Section eleven hundred and forty-six of the Code of Civil Procedure is hereby amended so as to read as follows :

§ 1146. Immediately after each drawing of trial jurors, the commissioner or in case of his absence, his chief clerk must prepare a panel verified by his affidavit, containing the names of the jurors drawn, with the proper additions of each, and stating for what court and for what term, they were drawn. He must transmit the panel to the sheriff of the county, who must keep it on file in his office for public inspection. The commissioner must forthwith notify each juror named therein to attend the term for which he was drawn by serving upon him a notice to that effect addressed to him. The notice may be served personally or by leaving it at the juror's residence or usual place of business with a person of proper age and discretion. It must specify the days during which the juror is required to be present; and it may contain copies of such portions of this article as the commissioner deems proper.

§ 3. Section eleven hundred and forty-seven of the Code of Civil Procedure is hereby amended so as to read as follows :

§ 1147. The thirty-six trial jurors first drawn for a term, or such other number as the judge appointed to hold or preside at the term,

Jurors in Kings Co.

Return of panel, etc., to commissioner.

Certificate as to attendance, excuses, fines, etc.

Filing of return and certificate.

Panel to be made and transmitted.

Notice to jurors.

Days for which jurors to

be notified.

Excusing jurors and changing days of attendance.

Duty of clerk of court.

Commissioner's return of jurors notified.

Jurors in certain special proceedings.

Drawing thereof.

directs must be notified to be present during the first six days of the term, and the thirty-six trial jurors next drawn, or such other number as the judge directs, must be notified to be present during the next six days of the term, and a like number during each succeeding six days. The judge holding or presiding at the term, may in his discretion, on the application of a trial juror excuse him from the whole, or a part of the time of service required of him. The judge may also change the time of service of a juror to a later day, during the same, or a subsequent term of the court. Each juror whose time of service is changed to a day certain must attend at the opening of court on that day, and thereafter until discharged, without further notice. If he fails so to do he is liable to the same punishment as if he had been personally notified by the commissioner to attend the term, and to be present on that day. The clerk of the court must enter in a book kept for that purpose the name of each juror who is so excused, or whose time of service is changed.

§ 4. Section eleven hundred and forty-eight of the Code of Civil Procedure is hereby amended so as to read as follows:

§ 1148. Before the commencement of each term of a court for which trial jurors have been drawn, as prescribed in this article, the commissioner, or in case of his absence, his chief clerk, must file with the clerk, the panel, or a copy of the panel, with a return, under his hand, indorsed thereupon or annexed thereto, showing the names and additions of each juror notified the days during which he was notified to attend, and the manner in which he was notified.

§ 5. Section eleven hundred and fifty of the Code of Civil Procedure is hereby amended so as to read as follows:

§ 1150. In a special proceeding pending before the county judge of Kings county, in which a trial jury is necessary, the judge may empanel a jury from the trial jurors who are serving at the time in the court of sessions of the county. In a special proceeding pending before a judge of the city court of Brooklyn in which a trial jury is necessary, the judge may empanel a jury from the trial jurors who are serving at the time in that court. If there are no jurors serving in the court of sessions or in the city court as the case may be, the judge may make an order requiring the commissioner of jurors to draw the number of trial jurors, designated therein; whereupon the commissioner or in case of his absence, his chief clerk, must draw the requisite number and the commissioner must notify them as prescribed in this article for drawing and notifying other trial jurors.

§ 6. This act shall take effect immediately.

CHAP. 89.

AN ACT to provide for the erection of museum buildings on park lands in the city of Brooklyn, and to authorize leases thereof to the Brooklyn Institute of Arts and Sciences.

APPROVED by the Governor March 19, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Erection of museum buildings

SECTION 1. The mayor and park commissioners of the city of Brooklyn are hereby authorized to construct, erect, and maintain on park

lands bounded by Flatbush avenue, the eastern parkway, and Washington avenue, in the city of Brooklyn, a suitable fire-proof building, or buildings, for the purpose of establishing and maintaining therein under proper rules and regulations to be approved by the said mayor and commissioners, museums of art and science, by the Brooklyn Institute of Arts and Sciences, incorporated by chapter one hundred and seventy-two of the laws of eighteen hundred and ninety, at an aggregate cost not exceeding a sum of which the annual interest, at the rate of interest at which a fund or bonds shall be issued, is nine thousand dollars, and the mayor, comptroller and city clerk of said city are hereby authorized to prepare and issue bonds of the city of Brooklyn to be known as museums of art and science bonds, signed, sealed and countersigned in the same manner as other bonds of said city and bearing interest at a rate not exceeding three per centum per annum, payable semi-annually, to be issued in such form and for such length of time as the said mayor and comptroller in their judgment may determine, and the said bonds shall be exempt from taxation, and the proceeds received from the sale of said bonds and all premiums thereon shall be paid to the city treasurer of the city of Brooklyn to the credit of a fund, which is hereby created to be known as the museum of art and science fund, and shall be paid out from time to time as required for the purpose of constructing, erecting and maintaining said building or buildings upon the requisition of the mayor and park commissioners of said city but no bonds shall be issued for the erection of said museum buildings unless the said Brooklyn Institute of Arts and Sciences shall have duly certified to the said mayor and comptroller that the funds of said institute in hand and applicable to the support and maintenance of the said museums and the purposes of its incorporation shall exceed two hundred thousand dollars.

author-
ized.Issue of
bonds
therefor.

Proviso.

§ 2. The said mayor and park commissioners are hereby authorized and directed, on the erection of said museum buildings, to lease the same to the Brooklyn Institute of Arts and Sciences for the purpose of establishing and maintaining therein museums of art and science, and carrying out the purposes of said institute, at a nominal rent and for a term not exceeding one hundred years and on such other conditions as may be expressed in such leases; and that the said museums and their contents shall be open and accessible to the public as authorized in section two, chapter three hundred and seventy-two of the laws of eighteen hundred and eighty-nine.

Leasing of
buildings.

§ 3. This act shall take effect immediately.

CHAP. 90.

AN ACT to amend chapter four hundred and twenty of the laws of eighteen hundred and eighty-eight, entitled "An act to provide for police matrons in cities."

APPROVED by the Governor March 20, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter four hundred and twenty of the laws of eighteen hundred and eighty-eight, entitled "An act to provide for police matrons in cities," is hereby amended so as to read as follows:

Designa-
tion of
station-
houses for
detention
of women.

§ 1. The mayor of every city in this state, which, according to the last state or national census contained a population of twenty-five thousand or over, excepting the cities of New York and Brooklyn, and in the cities of New York and Brooklyn, the boards of commissioners of police of said cities respectively, shall, within three months after the passage of this act, designate one or more station-houses within their respective cities, for the detention and confinement of all women under arrest in said cities. Such mayor or board of commissioners of police may at any time designate for such purpose any additional station-house or houses, or may revoke the designation of any station-house or houses theretofore designated, provided that at least one such station-house shall at all times be so designated for such purpose in each city.

§ 2. Section two of said act is hereby amended so as to read as follows:

Police
matrons,
appoint-
ment of.

§ 2. The mayors of all cities in this state, excepting New York and Brooklyn, and in those cities the boards of commissioners of police shall appoint for each station-house designated as in the last section provided not more than two respectable women who shall be known as police matrons in the same manner and under the restrictions governing the appointment of patrolmen, so far as the same may be applicable, except that any rule or regulation as to the age of a person appointed patrolman shall not apply to matrons appointed under this act. No woman shall be appointed a police matron unless suitable for the position and recommended therefor in writing by at least twenty women of good standing, residents of the city in which the appointment is made. In cities where there are no station-houses, and where the county jail is used for the purposes of houses of detention, it shall be deemed a compliance with the provisions of this act if there shall be in constant attendance at such jail so long as any woman is detained under arrest therein, a woman properly qualified to and who shall perform the duties herein imposed upon police matrons.

Provision
when jail
used as
house of
detention.

§ 3. Section three of said act is hereby amended so as to read as follows:

Term of
service.

§ 3. Police matrons shall, upon appointment, hold office until removal, and they may be removed at any time, by the authority appointing them, by written order stating the cause of such removal. Upon the death, resignation or removal of a police matron, her successor shall be appointed as soon as may be, in the manner hereinbefore provided. A police matron shall receive a compensation or salary to be fixed by the common council in the several cities where such matrons shall be provided, except in the cities of New York and Brooklyn, where the rate of compensation shall be fixed by the boards of police, respectively, not exceeding in any case the minimum salary paid to patrolmen in the city in which such matron is appointed.

Vacancies.

Compensa-
tion, how
fixed.

§ 4. Section four of said act is hereby amended so as to read as follows:

Residence
at police
station.

§ 4. When only one police matron is attached to a police station, she shall reside there, or within a reasonable distance therefrom, and shall hold herself in readiness to respond to any call therefrom at any hour, day or night, and each matron shall, during such hours as may be fixed by the head of the police department, remain in such station and hold herself in readiness to respond to any call therefrom. So long as any woman is detained or held under arrest in a police station to which a police matron is attached, it shall be the duty of such matron to remain constantly thereat ready for service; or, if there be

Duties of
matrons.

more than one matron attached to such station, then one of them shall be constantly ready for service. A police matron shall, subject to the officer in charge of such station-house, have the immediate care and charge of all women held under arrest in the station to which she is attached, and she may at any time call upon the officer in command of such station for assistance. She shall be subject to the authority of the board of police, or if there be no such board, then to the chief of police, in the city where she may be appointed, and to the rules and regulations prescribed by such authority; but at the station where she may be on duty she shall be subject only to the authority of the officer in command thereof.

Matrons
subject to
police
rules.

§ 5. Section five of said act is hereby amended so as to read as follows:

§ 5. It shall be the duty of the boards of commissioners of police in every city, or if there be no board of police, then of the mayor of such city, to provide sufficient accommodations for women held under arrest to keep them separate and apart from the cells, corridors and apartments provided for males under arrest, and to so arrange each station-house that no communication can be had between the men and women therein confined, except with the consent of the matron or the officer in command of said station-house.

Separate
accommodations
for
women
under
arrest.

§ 6. Section six of said act is hereby amended so as to read as follows:

§ 6. Whenever a woman is arrested and taken to a police station, to which a matron is attached, it shall be the duty of the officer in command of the station to cause such matron to be summoned forthwith, and whenever, in any city in which a police matron has been appointed, a woman is arrested and taken to a station-house to which no matron is attached, it shall be the duty of such officer to cause such woman to be removed as soon as possible to the nearest station-house to which a police matron is attached. No such separate confinement, nor any such removal of any woman, shall operate to take from any court any jurisdiction which it would have had. The term "woman," used in this act, shall not include any female either actually or apparently under the age of sixteen years whose care is assumed by any society referred to in section two hundred and ninety-three of the Penal Code; but every such female on being taken to a station-house shall be at once transferred therefrom, by the officer in charge, to the custody of such society.

Proceedings in case
of arrest of
women.

§ 7. Section seven of said act is hereby amended so as to read as follows:

§ 7. The proper local authorities of all cities in this state, which, according to the last state or national census, contain a population of twenty-five thousand or over, except the city of New York, and in said city of New York the board of estimate and apportionment, shall appropriate annually such sum as may be necessary for the separate care and confinement in station-houses of all women arrested in each of said cities, and for the appointment, salary and maintenance of police matrons for the purposes of this act. The board of estimate and apportionment in said city of New York is hereby authorized and empowered to reopen the budget for the year eighteen hundred and ninety-one in order to include therein the estimates necessary to carry out the provisions of this act in said city.

Term
"woman"
not to in-
clude cer-
tain
females.

Annual
appropriations
for
purposes
of act.

How made
in N. Y.
city in 1891.

§ 8. This act shall take effect immediately.

CHAP. 91.

AN ACT making appropriations for the purpose of carrying into effect the provisions of chapter one hundred and twenty-six of the laws of eighteen hundred and ninety.

APPROVED by the Governor March 20, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Appropriation to carry out state care of insane act.

SECTION 1. The sum of four hundred and fifty-four thousand eight hundred and fifty dollars, or as much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated to carry out the provisions of chapter one hundred and twenty-six of the laws of eighteen hundred and ninety.

Apportionment to state hospitals.

§ 2. The sums herein appropriated shall be apportioned, by the board for the establishment of state insane asylum districts and for other purposes, created by chapter one hundred and twenty-six of the laws of eighteen hundred and ninety, in such a manner as to provide accommodations, in the following named state hospitals, for not less than the following number of patients respectively; namely: At the Utica State Hospital, one hundred and fifty; at the Hudson River State Hospital, two hundred; at the Middletown State Homœopathic Hospital, two hundred; at the Buffalo State Hospital, one hundred fifty; and at the Binghamton State Hospital, one hundred and twenty-seven, and shall be expended, by the respective local boards of managers of the said state hospitals, upon plans, specifications and estimates, prepared by them respectively and approved as provided in the fourth section of said chapter, in the erection and equipment of the building or buildings proposed in each case; and the cost of the same, in each case, including the necessary equipment for heating, lighting, ventilation, fixtures and furniture, shall not exceed the proportion prescribed in said fourth section, nor the amount apportioned therefor in each case as above provided. But no part of this appropriation shall be expended, except for plans and specifications and the necessary expenses of the said board, for the establishment of state insane asylum districts and for other purposes, while in the discharge of their duties, until contracts shall have been entered into by the lowest responsible bidder or bidders therefor, after suitable advertisement, for the completion of the work and the purchase of materials therefor, including the necessary equipment for heating, lighting, ventilation, fixtures and furnishing of buildings, within the limits of this appropriation, and at each hospital, within the limits of such portion of this appropriation as may be apportioned to such hospital for the accommodations designed for such hospital; and in case the local board of managers at any of the aforesaid hospitals shall be unable to secure such contracts for the completion of the work and the purchase of the materials therefor, at such hospital, including all necessary equipment for heating, lighting, ventilation, fixtures and furnishing of buildings, the said board for the establishment of state insane asylum districts and for other purposes may proceed to re-apportion the sum herein appropriated, in such a manner as to provide accommodations, at the remaining hospitals above named where such contracts can be secured, for the full number of eight hundred and twenty-seven patients, and may proceed to re-district the state accordingly.

Sum apportioned, how expended.

Conditions of expenditure.

Reapportionment in certain case.

§ 3. The comptroller shall draw his warrant upon the treasurer, from time to time, in compliance with the requirements specified in said chapter one hundred and twenty-six of the laws of eighteen hundred and ninety, in order to carry out the provisions of the act.

Duty of
comptrol-
ler.

§ 4. This act shall take effect immediately.

CHAP. 92.

AN ACT to amend section one of chapter eighteen of the laws of eighteen hundred and sixty-two, entitled "An act to revise the charter of the city of Utica," and the several acts amendatory thereof and supplementary thereto, extending the boundaries of said city northerly.

APPROVED by the Governor March 20, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter eighteen of the laws of eighteen hundred and sixty-two, as amended by chapter twenty-nine, laws of eighteen hundred and seventy, and as further amended by chapter three hundred and eighty-seven, laws of eighteen hundred and seventy-five, is hereby amended so as to read as follows:

City char-
ter amend-
ed.

§ 1. The district of country contained within the following boundaries, to wit: Beginning at the point in the middle of the Mohawk river where the division line between lots numbered one hundred and one and one hundred and two, in Cosby's manor, intersects it; thence running southerly on said division line to the southerly line of the New York Central railroad; thence westerly along said southerly line of said railroad to the west line of great lot one hundred and four, in said Cosby's manor; thence running south on said line to the north side of the Whitesboro road; thence running easterly on the north side of said Whitesboro road to the old division line between John S. Capron's and J. and C. Faas' land; thence running southerly along said division line to the line of New Hartford; thence easterly along the line of New Hartford to the westerly line of lot one hundred and one, in said Cosby's manor; thence southerly along said line of lot one hundred and one to the center of the road leading from Utica to Burr Stone Mills (so called); thence easterly in the center of said road to the westerly line of lot one hundred in said Cosby's manor; thence southerly along said last mentioned line to the line between the farms formerly owned by Samuel S. Thorn and John Butterfield; thence easterly along the last mentioned line to the center of the old Seneca turnpike; thence easterly along the center of Slayton's Bush road (so called) to its intersection with the center of the road leading northerly through the farm formerly owned by Robert McBride; thence northerly in the center of said last mentioned road to the present southerly bounds of the city of Utica; thence easterly along the present bounds of the city of Utica to the easterly bounds of Oneida county; thence northerly on the easterly bounds of Oneida county to the center of the Mohawk river; thence westerly up the middle of the Mohawk river to the north point of Hubbell's Bend (so called) in said river, which point is in the center of said river, and is distant one thousand two hundred and eighty and one-half feet north, forty-four

Boundaries
of city.

degrees and forty-six minutes west from the center of the Miller road (so called); thence north forty-four degrees forty-six minutes, west six thousand four hundred feet to the center of said river; thence westerly along the center of said river to the place of beginning, shall hereafter constitute and be known as "the city of Utica."

Corporate name. § 2. That part of said city (as hereby extended) lying northerly of the Mohawk river (as it now flows) and easterly of the center of the road running from Utica to Deerfield (the McAdam road, so called) shall be and is hereby added to and forms a part of the first ward of the city of Utica and that part of said city (as hereby extended) lying northerly of said Mohawk river (as it now flows) and westerly of the center of said McAdam road, shall be and is hereby added to and form a part of the second ward of said city of Utica.

Addition to first ward.

Addition to second ward.

§ 3. This act shall take effect immediately.

CHAP. 93.

AN ACT to authorize the city of Utica to borrow money by the issue of bonds, to provide for their redemption and to appoint commissioners for changing the channel of the Mohawk river between said city and the town of Deerfield in Oneida county.

APPROVED by the Governor March 20, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Appointment of commissioners.

SECTION 1. The mayor of the city of Utica is hereby authorized, in his discretion to appoint four citizens of said city, two from the political party which cast the highest number of votes, and two from the political party which cast the next highest number of votes at the last general election in this state, and the supervisor of the town of Deerfield, in Oneida county, is hereby authorized in his discretion to appoint two citizens of said town, one from each of the two principal political parties in which the citizens thereof are divided, who shall constitute a board of commissioners for changing the channel of the Mohawk river flowing between said city and town, the better to protect the lives, health and property of the citizens of said city. Said commissioners shall serve without compensation; but the necessary expenses incurred by them, while in the discharge of their duties, shall be allowed and paid to them by the treasurer of said city, upon vouchers therefor, to be approved by the mayor of said city. In case any vacancy occurs in said board by the death, resignation, inability to serve, or removal from said city or town, of such appointees, the mayor of said city or the supervisor of said town, as the case may be, shall forthwith fill the same by the appointment, in like manner, of a citizen of said city or town, of the same political faith as the retired commissioner. No member of the common council of said city or of the board of town auditors of said town or other officer of said city or town elected by the people, shall be eligible to the office of commissioner under this act. Nor shall any member of said council, or of said board of town auditors, nor any of said officers, nor any commissioner under this act, be in any way interested, directly or indirectly, in furnishing any materials, or supplies, or in any contract for changing said channel, or authorized by or under this act. A majority of said board shall con-

Compensation.

Vacancies, how filled.

Certain officers ineligible.

Not to be interested in contracts, etc.

Quorum.

stitute a quorum and the assent of a majority of the board shall be required to validate any transaction of business on the part of the board.

§ 2. Within fifteen days after the passage of this act and on a day to be designated in writing to them by the mayor of said city and the supervisor of said town, the said commissioners shall meet, at twelve o'clock, noon, at a place to be designated by said mayor and supervisor; and after having each taken, subscribed and filed in the office of the clerk of the county of Oneida, the constitutional oath of office and the bond hereinafter mentioned, shall elect one of their number as chairman to preside over their deliberations and another of their number as secretary thereof. Notice of such election shall be transmitted to the said mayor and supervisor. Said secretary shall keep a true record of the proceedings of said board which shall, at all reasonable times, be subject to the inspection of said common council and board of town auditors, or of any committee thereof appointed or designated for such purpose. The said commissioners shall designate a day and hour and a place for their regular meetings, which shall be entered of record and which may be changed by them from time to time; they may adjourn from day to day and may meet upon the call of the chairman, or of any two commissioners, upon written or printed notice thereof, signed by him or them and given either personally or through the post-office, postpaid, addressed to each of the other commissioners at his place of residence or business, at least one day before the time for such meeting. Before entering upon their duties, the said commissioners shall make, execute and deliver to the said mayor or supervisor, a bond running to the people of the state of New York, for such amount and with such sureties as shall be approved by said mayor and supervisor, conditioned that they will faithfully discharge their duties as such commissioners. Said bond, with the approval of said mayor and supervisor indorsed thereon, shall forthwith be filed in the office of the clerk of Oneida county.

§ 3. The said commissioners are hereby authorized to employ a competent civil engineer and such other experts and assistants as they may deem necessary, for the prosecution of the work hereby authorized and to fix the rate of their compensation, which shall be paid to them monthly upon the certificate of said commissioners, by the treasurer of said city, upon vouchers approved by the said mayor, out of the funds hereinafter mentioned.

§ 4. The said commissioners are hereby authorized to turn, straighten or change the course of any portion of the Mohawk river which they shall deem necessary for the protection of the lives, health or property of the citizens of said city, by making a channel across lots ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen and nineteen of Cosby's manor, in said town of Deerfield, as laid down on a map of proposed straightening of Mohawk river at Utica, by James Constable, junior, made January twenty, eighteen hundred and ninety-one, on file in the office of the secretary of state, of such size, character and capacity, as shall be sufficient for the protection of the lives, health and property of the citizens of said city from freshets, obstructions to sewers, inundations, and the deposits, in consequence thereof, of noxious and unhealthy matters dangerous to the public health and safety. But such change in the course of said river shall be made without injury to, or impairment of, the rights of the public to use the said river as so changed, for purposes of navigation or other purposes for which the said river may now be lawfully used. The civil engineer employed by said commissioners shall prepare full plans and

Organization
of
board.

Election of
officers.

Secretary.

Meetings
of com-
missioners.

Official
bond.

Employ-
ment of
engineer
and assist-
ants.

Change of
course of
river.

Plans and
specifica-
tions.

Approval thereof.

Supervision and acceptance of work.

Acquisition of lands.

Damages by proposed change, settlement of.

Advertising for proposals.

Power to reject bids and enter into contracts.

specifications for such changing of the channel of said river for the purposes aforesaid and for excavating for the same and for the construction of good and sufficient embankments for the same, together with proper dykes, dams or other erections, for conducting the waters of said river into such new channel and confining the same therein. For the adoption of said plans and specifications, it shall require the approval, in writing, indorsed thereon, of a majority of said commissioners. No change in such plans and specifications shall thereafter be made except upon a like approval of a majority of said commissioners. Said civil engineer shall supervise the construction and work hereby authorized and no work thereon and materials therefor shall be accepted by the commissioners except upon the written certificate, to be preserved by them as a part of their proceedings, of said civil engineer, that the same is in accordance with such plans and specifications and the terms of the contracts hereinafter mentioned.

§ 5. Said commissioners are hereby authorized, for and in behalf and in the name of the people of the state of New York, to acquire title to such plots, pieces or parcels of land in said town of Deerfield as they in their judgment shall deem necessary for the new channel for said river hereby authorized for the purpose aforesaid, and are hereby authorized to enter upon any such lands for the purposes of making surveys thereof and to agree with the owners of the same as to the amount of compensation to be paid in the purchase thereof and in case of disagreement as to such amount or amounts, or in case of the incapacity of such owner or owners to contract therefor, the said commissioners shall acquire title thereto by the exercise of the right of eminent domain in proceedings duly taken and had under and in accordance with the provisions and requirements of chapter ninety-five of the laws of eighteen hundred and ninety and known as "the condemnation law." Said commissioners are hereby authorized for and in behalf of the people of the state of New York, to agree with the riparian or other owners of lands adjacent to or interested in the present channel of said river, as to the amount of compensation or damage to be paid such owners or persons affected by the proposed change of said channel, and in case of disagreement as to such amount or amounts, or in case of the incapacity of such owners or persons to contract therefor, the said commissioners shall acquire the title, rights or interests of such owners or persons by the exercise of the right of eminent domain in proceedings duly taken and had under and in accordance with the provisions and requirements of said chapter ninety-five of the laws of eighteen hundred and ninety.

§ 6. Upon the adoption of such plans and specifications by said commissioners, they shall forthwith advertise in the daily papers of said city, daily (Sundays excepted) for at least two weeks consecutively, for proposals for changing and excavating said channel, for furnishing all materials, erecting all dykes, embankments and for all labor and services connected therewith. They shall have authority to reject any and all bids; but if satisfied with the proposals of the lowest responsible bidder or bidders for the aggregate thereof, or for the several portions thereof, they shall, if satisfied that the work, materials, excavations, dykes, embankments and other erections or constructions hereby authorized, together with the purchase price of the lands necessary therefor, the compensation or damages incurred or suffered by reason of such proposed change in said channel, the compensation of such civil engineer, experts and assistants, the necessary expenses of

the commissioners, and all other expenses attending the same, can and will be completed within the limits of the sum hereby authorized to be expended therefor, enter into contracts, in writing, with such bidder or bidders who shall furnish ample security, satisfactory to such commissioners, for the faithful performance of the contract on the part of such bidder or bidders.

§ 7. The whole amount to be expended by said commissioners by virtue of this act, for all the purposes hereby authorized, shall not exceed the sum of one hundred and fifty thousand dollars. The said contract or contracts shall provide that the same shall be void and of no effect, unless the common council shall authorize the issuing of bonds as provided in section eight of this act.

§ 8. Upon the execution of such contract or contracts the said commissioners shall certify that fact to the common council of said city, and also what the whole cost of the change of said channel, including all expenses and disbursements attending the same or authorized hereby, shall be, and if it shall appear that such cost will not exceed the sum of one hundred and fifty thousand dollars, then the said common council shall have authority and are hereby authorized by resolution duly adopted by them by a two-thirds vote of all the members elected thereto voting in favor thereof and duly approved by the mayor to cause registered or coupon bonds of said city to be issued in the name and upon the credit of said city, to be signed by the mayor and city clerk of said city in the sum of one hundred and fifty thousand dollars, payable one-tenth thereof in twenty years from date thereof, and one-tenth thereof in each and every year succeeding said twentieth year, bearing interest at a rate not exceeding four per centum per annum, payable semi-annually. A certified copy of said resolution shall be transmitted by the common council to said commissioners.

§ 9. Whereupon the city treasurer of said city shall suitably advertise for proposals for the purchase of the said bonds and he shall sell them to the party or parties offering to pay the highest price therefor, but not for less than at their par value. The proceeds arising upon such sale, shall be by him deposited in some solvent bank, or banks in said city, to be designated by the common council for that purpose, to the credit of the treasurer, to be kept by such bank or banks as a fund, separate and apart from all other funds of said city, and to be known as "The Mohawk river improvement fund." All payments from such fund shall be made upon the order of said commissioners, signed by the chairman and secretary of the board of commissioners and upon the check or warrant of the treasurer, upon such bank as may hold such deposit, which order of the commissioners shall in each case accompany the check, or warrant, of the treasurer, and be presented and left at such bank with such check or warrant, to authorize any payment from such fund. The treasurer shall keep in his office a record of such bonds as he shall sell, by number, date, amount and payee, subject at all reasonable times to the inspection of the said commissioners and the common council of said city.

§ 10. The treasurer of said city shall open an account in the books in his office, wherein shall be kept a true and accurate statement of the condition of such fund; charging himself as such treasurer with the full amount which shall be received by him upon the sale of such bonds, including all premiums thereon and deposited in bank to his credit as such treasurer, with the interest allowed on such deposits by said bank or banks, and crediting himself with the amount of each check or warrant drawn by him upon such fund, as and when the same is

Expenditure limited.

Condition in contracts.

Certificate to council.

Issue of bonds.

When payable.

Sale of bonds.

Deposit of proceeds as separate fund.

Payments from fund, how made.

Record of bonds.

Fund account.

Report of condition. drawn. He shall report to the said commissioners and to the said common council, the condition of such fund, whenever called upon to do so by the commissioners of* the common council. The treasurer of the said city is hereby authorized, upon the resolution of said common council directing the same, to make advances for the necessary expenses of the said commissioners incurred prior to the sale of such bonds and upon their order requiring the same, out of any funds in his possession, or subject to his order, to be reimbursed from the proceeds of such sale.

Advances for expenses.

Annual tax for interest and bonds. § 11. It shall be the duty of the common council of said city, in addition to the amount now required to be raised by tax for said city, to cause to be raised annually by a tax upon the taxable property in said city, in the same manner as the other general taxes are levied and collected, a sum sufficient to pay the interest upon its said bonds when and as the same shall become due and payable, and in like manner to raise the money necessary to pay the principal of its said bonds as they shall fall due.

Report upon completion of work. § 12. When the change in the channel of the said river and all work and contracts hereby authorized, shall be completed, according to such plans and specifications, the commissioners shall report the fact to the superintendent of public works, who shall thereupon make a personal inspection thereof, and if he shall find that the same has been done in a proper manner, shall file a certificate to that effect in the office of the secretary of state and the said present channel of said river shall thereupon cease to be a public highway or river, but the new channel shall thereupon be and is hereby declared to be a public navigable river.

Duty of supt. public works.

Deposit of books, plans, etc. § 13. Upon the completion of their duties, the said commissioners shall deposit the book of the record of their proceedings and all other books kept by them and all plans and specifications approved by them and all other documents and vouchers connected with their duties, in their possession or under their control, in the office of the clerk of Oneida county, there to be preserved among the records of his office.

Disposal of balance of fund. § 14. Upon the completion of said new channel and when all bills, accounts and contracts connected therewith shall be paid and discharged, the said commissioners shall execute and give to the treasurer of said city an order for the balance remaining in any bank or banks, to the credit of said treasurer, of the fund arising from the sale of the said bonds, and the said treasurer shall draw the same and have the same deposited to the credit of the general fund of said city, to be applied to the payment of said bonds and interest. Within sixty days after the receipt by the common council of the certificate by the commissioners mentioned in section eight of this act, it shall be the duty of said common council, at a regular meeting thereof, to determine whether said bonds shall be issued and said indebtedness incurred, and if said common council, by the said two-thirds vote, approved by the mayor, shall refuse to issue and authorize the same then all the powers and authority conferred upon said commissioners by this act shall cease and determine, the same as if this act had not been passed, except that the expenses of the commissioners may be paid by the common council.

Issue of bonds, when determined.

Powers, etc., to cease upon refusal to issue bonds.

Construction of act. § 15. Nothing in this act contained shall be so construed as to allow said commissioners to expend for any purpose, or to contract for the expenditure of, any greater sum than shall be realized from the

sale of the bonds herein authorized to be issued, or to incur any indebtedness which shall not be met and canceled by the proceeds of such bonds. And until at least two-thirds of the members of the common council of said city shall vote in favor of issuing said bonds mentioned in section eight of this act no such bonds shall be issued or authorized.

§ 16. This act shall take effect immediately.

CHAP. 94.

AN ACT to amend chapter three hundred and forty-two of the laws of eighteen hundred and eighty-nine, entitled "An act to revise, amend and consolidate the several acts relating to the village of Cortland, and to repeal certain acts and parts of acts," as amended by chapter forty-nine of the laws of eighteen hundred and ninety.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, March 24, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of title seven of chapter three hundred and forty-two of the laws of eighteen hundred and eighty-nine, entitled "An act to revise, amend and consolidate the several acts relating to the village of Cortland, and to repeal certain acts and parts of acts" as amended by section six of chapter forty-nine of the laws of eighteen hundred and ninety, is hereby amended so as to read as follows:

§ 4. The assessors shall prepare an assessment-roll in the same form and manner prescribed by law for town assessment-rolls, as near as may be and shall complete the same on or before the first day of June in each year. The real estate assessed shall be briefly described, by street and number when practicable, and the lands of non-residents, if any there be, shall be assessed in the same manner as the lands of residents. No error in the name of the owner or occupant shall invalidate the assessment. There shall also be included in such assessment-roll the names of persons residing in said corporation liable to pay a poll-tax for highway purposes. The assessors on completing the assessment-roll, shall forthwith cause to be posted in one or more places, and published in one or more newspapers in said village, a notice of the completion of said roll; and of the time when, not more than fifteen days thereafter, and of the place where they will meet for the purpose of revising and correcting said roll, which said roll shall be left for public inspection during the said fifteen days with one of their number to be specified in said notice. Said roll when finally completed and verified before a justice of the peace or notary public of the county of Cortland, shall be delivered, together with the affidavits of complainants to the village clerk, and a copy thereof shall be deposited with the treasurer of said village. Said assessment-roll when so delivered shall remain with the clerk of said village for a period of fifteen days for public inspection, and the said assessors shall, after they have delivered the same to said village clerk forthwith give public notice by posting the same in at least three of the most public places in

Village
charter
amended.

Assess-
ment-roll,
how pre-
pared and
when com-
pleted.

Highway
poll tax.

Notice of
meeting to
revise roll.

Delivery of
roll to
clerk.

Notice of
final com-
pletion,
etc.

Provisions
directory,
etc.

Attend
ance of
witnesses
upon re-
view.

Election of
chief and
officers of
fire depart-
ment.

Removals.

said village, or by publishing the same in one or more newspapers published therein, that such assessment-roll has been finally completed, the officer to whom the same has been delivered, and the place where the same will be open to public inspection. The provisions as to the time and manner of making and verifying said assessment-roll shall be directory, and said assessment-roll when completed, shall not be invalid in consequence of a failure to comply with the foregoing directions. Upon the review of said assessment-roll, said assessors may compel the attendance and testimony of witnesses by process to be issued by the police justice of said village to be served and enforced in the same manner as process against a witness in a criminal case.

§ 2. Section three of title seven of said chapter three hundred and forty-two, of the laws of eighteen hundred and eighty-nine, as amended by section nine of chapter forty-nine of the laws of eighteen hundred and ninety, is hereby amended so as to read as follows:

§ 3. The members of the fire department shall meet annually on the third Wednesday of December, at some suitable place to be designated, at which meeting the chief-engineer, or in his absence, the first or second engineer shall preside, and shall then and there elect by ballot, a chief-engineer, one or more assistants, a secretary and treasurer of the fire department, whose election shall be subject to the approval of the board of trustees, and who may be removed by said board for incapacity, neglect of duty or misconduct. In case the said trustees shall disapprove of such election, they shall order another election at such time and place as they may deem proper.

§ 3. This act shall take effect immediately.

CHAP. 95.

AN ACT to repeal chapter one hundred and forty-three of the laws of eighteen hundred and twenty-seven, entitled "An act authorizing the commissioners of highways of the town of Germantown, in the county of Columbia, to lay out roads of a certain width."

APPROVED by the Governor March 24, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Act re-
pealed.

SECTION 1. Chapter one hundred and forty-three of the laws of eighteen hundred and twenty-seven, entitled "An act authorizing the commissioners of highways of the town of Germantown, in the county of Columbia, to lay out roads of a certain width," is hereby repealed.

§ 2. This act shall take effect immediately.

CHAP. 96.

AN ACT to amend chapter one of the laws of eighteen hundred and forty-nine, entitled "An act to incorporate the trustees of the Astor library."

APPROVED by the Governor March 24, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of chapter one of the laws of eighteen hundred and forty-nine, entitled "An act to incorporate the trustees of the Astor library," is hereby amended so as to read as follows: Charter amended.

§ 4. All investments of the funds of the said corporation shall be made in bonds, secured by mortgage of productive real estate, or in the public debt of the United States, or of the states of the Union, or of the city of New York, or of portions thereof in any of those modes, except that in the investment in said public debts, preference shall be given according to the order in which they are hereinabove named; provided, however, that such part of the funds of the corporation as were received from the executors of the will of John Jacob Astor admitted to probate on or about February twenty-sixth, eighteen hundred and ninety, may be invested, from time to time, in such securities and in such manner as in and by the third clause of said will is authorized and permitted, and that any other or further donation, gift, bequest or devise hereafter made in further support of said library, or toward the objects connected therewith may be invested in such securities or in such manner as may be permitted or directed by the last will and testament, deed or other instrument creating the same. Investment of funds.

§ 2. This act shall take effect immediately.

CHAP. 97.

AN ACT for the relief of the Roman Catholic Religious Society of Chittenango, Madison county.

APPROVED by the Governor March 24, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The omission of the Roman Catholic Religious Society of Chittenango, Madison county, to file and record a duplicate certificate of incorporation in the clerk's office of Madison county, shall not be construed to invalidate or make void the filing or recording of such certificate of incorporation in the office of the secretary of state, and the filing and recording of said certificate of incorporation in the office of the secretary of state shall be deemed a full compliance with the statutes relative to the incorporation of religious societies, by said religious society, the same in all respects as if a duplicate of said certificate had been duly filed and recorded in the office of the clerk of Madison county, and said Roman Catholic Religious Society of Chittenango, is hereby declared to be and is made a corporation by the corporate name of "St. Patrick's Church, Chittenango, New York," on and from November tenth, eighteen hundred and eighty-six, the same in Omission to file certificate, not to invalidate incorporation.

Society declared incorporated.

all respects as if a duplicate of the certificate filed and recorded in the secretary's office had also on the same day been filed and recorded in the office of the clerk of Madison county.

Orders of
court, etc.,
confirmed.

§ 2. All orders made by any court authorizing the sale or mortgaging of real estate by the corporate name of "St Patrick's Church, Chittenango, New York," or any legal proceedings heretofore had by said name in any court so far as the validity thereof depends upon the due incorporation of said religious society are hereby ratified and in all respects confirmed.

§ 3. This act shall take effect immediately.

CHAP. 98.

AN ACT in relation to the Albany Insurance Company of Albany, New York.

APPROVED by the Governor March 24, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Directors
and vice-
presidents,
increase of.

SECTION 1. The Albany Insurance Company of Albany, New York, may, with the written approval of the superintendent of the insurance department, increase the number of its directors and of its vice presidents to such number as the board of directors may, by resolution, determine.

§ 2. This act shall take effect immediately.

CHAP. 99.

AN ACT to amend section sixty-seven of the Code of Civil Procedure, in relation to the suspension of attorneys.

APPROVED by the Governor March 24, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Attorneys
and coun-
selsors,
suspension
or removal
of.

SECTION 1. Section sixty-seven of the Code of Civil Procedure is hereby amended so as to read as follows:

Debar-
ment
upon con-
viction of
felony.

§ 67. An attorney and counselor, who is guilty of any deceit, malpractice, crime or misdemeanor, or, who is guilty of any fraud or deceit in proceedings by which he was admitted to practice as an attorney and counselor of the courts of record of this state, may be suspended from practice, or removed from office, by the supreme court, at a general term thereof. Any person being an attorney and counselor-at-law, who shall be convicted of a felony, shall, upon such conviction, cease to be an attorney and counselor-at-law, or to be competent to practice law as such. Whenever any attorney and counselor-at-law shall be convicted of a felony there may be presented to the general term of the supreme court a certified or exemplified copy of the judgment of such conviction, and thereupon the name of the person so convicted shall, by order of the court, be stricken from the roll of attorneys. Upon a reversal of such conviction, or pardon by the president of the United States or governor of this state, the general term shall have power to vacate or modify such order of debarment.

Order of
debar-
ment,
when va-
cated.

§ 2. This act shall take effect immediately.

CHAP. 100.

AN ACT to amend chapter one hundred and ninety-five of the laws of eighteen hundred and forty-eight, entitled "An act to provide for the taking the acknowledgments of deeds and other written instruments by persons residing out of the state of New York," as amended by chapter five hundred and fifty-seven of the laws of eighteen hundred and sixty-seven.

APPROVED by the Governor March 24, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter one hundred and ninety-five of the laws of eighteen hundred and forty-eight, entitled "An act to provide for taking the acknowledgments of deeds and other written instruments by persons residing out of the state of New York," as amended by chapter five hundred and fifty-seven of the laws of eighteen hundred and sixty seven, is hereby amended so as to read as follows: Act amended.

§ 2. To entitle any conveyance or written instrument acknowledged or proved under the preceding section, to be read in evidence or recorded in this state, there shall be subjoined or attached to the certificate, of proof or acknowledgment, signed by such officer, a certificate, under the name and official seal of the secretary of state, of the state in which such officer resides, or under the name and official seal of the clerk, register, recorder or a prothonotary of the county in which such officer resides, or the clerk of any court thereof having a seal, specifying that such officer was, at the time of taking such proof or acknowledgment, duly authorized to take the same, and that such secretary of state, clerk, register, recorder or prothonotary is well acquainted with the handwriting of such officer, and verily believes that the signature to said certificate of proof or acknowledgment is genuine. Requirements to entitle deeds, etc., to be read in evidence.

§ 2. This act shall take effect immediately

CHAP. 101.

AN ACT to permit the union of the College of Physicians and Surgeons in the city of New York with the trustees of Columbia college in the city of New York.

APPROVED by the Governor March 24, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The trustees of the College of Physicians and Surgeons in the city of New York, having arranged with Columbia college in said city to assume the instruction now given by the said College of Physicians and Surgeons as a department of the work of Columbia college, are hereby authorized and empowered to grant, convey, assign and transfer all real and personal property of which they as such trustees are seized or possessed to the trustees of Columbia college, in the Conveyance of property authorized.

city of New York, upon such terms, conditions or limitations as may be agreed upon between the two institutions.

Accept-
ance of
surrender
of charter.

§ 2. The regents of the university of the state of New York, upon being satisfied that the trustees of the College of Physicians and Surgeons have conveyed and transferred all their property, pursuant to the authority hereinbefore conferred, may accept a surrender of the charter heretofore granted by the said regents to the said College of Physicians and Surgeons, and forever discharge the said trustees from their trusts in the premises.

§ 3. This act shall take effect immediately.

CHAP. 102.

AN ACT to amend chapter four hundred and sixty-five of the laws of eighteen hundred and fifty-three, entitled "An act to incorporate the Ithaca Water-works Company," as amended by chapter one hundred and fifty-one of the laws of eighteen hundred and fifty-five.

APPROVED by the Governor March 25, 1891. Passed, three-fifths being present

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

SECTION 1. Section twenty-two of chapter four hundred and sixty-five of the laws of eighteen hundred and fifty-three, as amended by chapter one hundred and fifty-one of the laws of eighteen hundred and fifty-five, is hereby amended so as to read as follows:

Corpora-
tion may
borrow
money,
etc.

§ 22. The said corporation may borrow, from time to time, such sum or sums of money as may be necessary to complete the works authorized by this act, and may issue and dispose of their bonds for any amount so borrowed, and are hereby authorized to mortgage any part of their corporate property and privileges to secure the payment of such bonds; and the said directors may confer on the holder of any bond they may issue for any money so borrowed, the right to convert the principal due thereon into stock of said company, at any time not exceeding five years from the date of said bond, under such regulations as the directors may see fit to adopt, and for such purpose the corporation is authorized to increase its capital stock to the amount so borrowed whenever the persons or any of them to whom such money is due, shall elect to convert the same into stock; but nothing herein contained shall be construed to authorize an increase of stock of said company beyond the sum of two hundred thousand dollars.

Conversion
of bonds
into
stock.

Increase of
capital.

§ 2. This act shall take effect immediately.

CHAP. 103.

AN ACT granting the consent of the state of New York to the acquisition by the United States of certain lands, for the purposes of a public building for the post office and other government offices, in the city of Newburgh, Orange county, New York, and ceding jurisdiction over the same.

APPROVED by the Governor March 25, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The consent of the state of New York is hereby given to the United States to acquire by condemnation, purchase or gift, in conformity with the laws of this state, one or more pieces of lands as may be selected in the city of Newburgh, county of Orange, and state of New York, for the purposes of the erection and maintaining a public building for the accommodation of the post office and other government offices, and the said United States shall have, hold, occupy and own said lands when thus acquired, and exercise jurisdiction and control over same and every part thereof, subject to the restriction hereinafter mentioned. Consent to acquire lands.
Jurisdiction and control over same.

§ 2. The jurisdiction of the state of New York in and over the said lands mentioned in the foregoing section, when acquired by the United States, shall be, and the same hereby is, ceded to the United States, but the jurisdiction hereby ceded shall continue no longer than the United States shall own the lands aforesaid. Jurisdiction ceded.
Proviso.

§ 3. Such consent is given and the said jurisdiction is ceded upon the express condition that the state of New York shall retain concurrent jurisdiction with the United States in and over the said land or lands, so far as that all civil process in all cases, and such criminal and other process as may issue under the laws or authority of the state of New York against any person or persons charged with crimes or misdemeanors committed within said state may be executed therein the same way and manner as if such consent had not been given or jurisdiction ceded except so far as such process may affect the real or personal property of the United States. Concurrent jurisdiction.

§ 4. The jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to the said land or lands, by gift, purchase, or by condemnation in conformity with the laws of this state. Jurisdiction, when to vest.

§ 5. This act shall take effect immediately.

CHAP. 104.

AN ACT amending chapter one hundred and thirty-three of the laws of eighteen hundred and ninety, entitled "An act amending, revising and consolidating the several acts in relation to the village of Greenbush."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, March 26, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Village
charter
amended.

SECTION 1. Section two of title one of chapter one hundred and thirty-three of the laws of eighteen hundred and ninety, is hereby amended so as to read as follows:

First ward.

§ 2. The said village shall be divided into four wards, as follows: All that part of the said village lying east of the westerly bounds of said village and south of the center line of McCulloch street and west of the lands of the Boston and Albany railroad, shall be known as the first ward; all that part of the said village lying east of the Boston and Albany railroad, and south of the center line of Wendell street, shall be known as the second ward; all that part of said village bounded and described as follows, commencing at a point on the westerly bounds of said village, at the intersection of McCulloch street,

Second
ward.

Third
ward.

thence north along said westerly bounds to the northerly bounds of said village, thence east to the center line of Second street, thence southerly along the center line of Second street to the center line of Partition street, thence westerly along the center line of Partition street to the center line of East street, thence southerly along the center line of East street to the center line of McCulloch street, thence along the center line of McCulloch street to the place of beginning, shall be known as the third ward. All that part of said village bounded and described as follows: Commencing at a point where the center line of East street intersects with the center line of Wendell street; thence north along the center line of East street to the center line of Partition street; thence east along the center line of Partition street, to the center line of Second street; thence north along the center line of Second street to the north bounds of said village; thence east along said north bounds to the easterly bounds of said village; thence south along said east bounds to the center line of Wendell street; thence west along said center line of Wendell street to the place of beginning, shall be known as the fourth ward.

Fourth
ward.

§ 2. Section three of title one of said chapter is hereby amended so as to read as follows:

Annual
village
election.

§ 3. An election of officers of the corporation shall be had in each ward of said village on the first Tuesday succeeding the first Monday in November of the year eighteen hundred and ninety-one, and at a general election held in said village in every year thereafter, at such places as the trustees shall appoint, of which six days' previous notice shall be given in writing in at least four public places in each ward by the clerk of said village and by advertisement in any newspaper published in said village; but the persons now holding office by virtue of their election on the first Tuesday of May, eighteen hundred and ninety shall continue to hold said offices and discharge the duties

Terms of
present
officers.

thereof and receive the salary therefor, if any, until the expiration of their term or until their successors have been elected and duly qualified.

§ 3. Section four of title one of said chapter is hereby amended so as to read as follows:

§ 4. At each election thereafter held, each elector shall be entitled to vote by ballot, in the ward in which he resides, for one trustee, who shall hold office for two years; he shall also be entitled to vote for a president, clerk and treasurer for the said corporation, who shall hold office for two years, and until their respective successors are elected and qualified.

Officers to be elected.

§ 4. Section six of title one of said chapter is hereby amended so as to read as follows:

§ 6. The person eligible and having the greatest number of votes for any office shall be declared elected to such office. The inspectors of election shall canvass the ballots and certify the result in their respective wards, and return a copy of said certificate to the clerk of said village; and the trustees on the day following shall meet as a board of canvassers and declare the result as certified by the inspectors of election of the several wards.

Who declared elected.
Canvass of ballots.

§ 5. Section seven of title one of said chapter is hereby amended so as to read as follows:

§ 7. The clerk of the board of trustees shall, within five days after the ballots have been canvassed by the board of trustees, notify the persons elected of their election.

Notice to officers elected.

§ 6. Section two of title two of said chapter is hereby amended so as to read as follows:

§ 2. The president, when present, shall preside at meetings of the board of trustees, but shall have no vote therein; in his absence any trustee may be appointed president for the time being, but shall not thereby lose his right to vote as trustee. A majority of the board shall constitute a quorum for the transaction of business. The board of trustees shall at the first meeting after each annual election or as soon thereafter as possible, appoint a street commissioner, who shall hold office until the first meeting after the next annual election, and until his successor is appointed and qualified. Every law, ordinance or resolution of the board of trustees shall, before it shall take effect, be presented to the president duly certified by the village clerk. If the president approve of it he shall sign it. If he does not approve of it, he shall so state in writing and file his statement with his reasons for not approving it, with the clerk within ten days after he receives it, and the board of trustees at its first, regular meeting thereafter, shall act thereupon and if two-thirds of all the said board elected thereto shall then vote to pass the same by a viva voce vote, it shall take effect as a law. If any law or ordinance or resolution, duly passed by the board, shall not be returned by the president, within ten days after he has received it, it shall become a law in like manner as if he had signed it.

Presiding officer.

Quorum.

Street commissioner.

Action on ordinances, etc., by president.

Passage, over veto.

Ordinances, etc., not returned, become laws.

§ 7. Subdivision twenty-three of section three of title two of said chapter is hereby amended so as to read as follows:

Powers of trustees.

23. To keep the roads, avenues, streets, lanes, public buildings and public places of the village in good repair, order and condition; to construct sewers, culverts and drains; to make and repair all bridges which may be necessary within the bounds of the village; to regulate and prescribe the width, line and grade of streets, avenues, lanes and sidewalks; to pave, plank or flag roads, streets, crosswalks or side-

Repairs of streets, bridges, etc.

Grade of streets, paving, etc.

Drainage
and im-
prove-
ments.

Assess-
ment of
expenses.

Sidewalk
improve-
ments,
how made.

Proposals
for doing
certain
work.

Award of
contracts.

walks; lay out, open, make, alter, widen, contract or discontinue streets, avenues, roads or lanes in the village; to alter and change the grade or otherwise improve the roads, avenues, streets, and sidewalks; to drain stagnant waters, and to raise or fill up low grounds, if nuisances, at the expense of the persons benefited, and to regulate the water courses, ponds and watering places in the village; to cause sewers to be repaired, and generally cause such other improvements, in and about such streets, alleys, avenues and squares, to be made as the public want and convenience shall require. The expense of all said improvements shall be assessed and be a lien upon the property benefited or to be benefited thereby, except as otherwise provided in section five, title two of this act. No improvement, repairs or alterations shall be made to sidewalks, including the stone curb and gutters thereto fronting the lot along the streets or alleys of the village now in use or hereafter to be opened, and used at the expense of the village, but when such improvements, repairs or alterations are made or caused to be made the same shall be done at the expense of the property benefited thereby, which shall be apportioned, assessed and collected according to the provisions of this act, hereby amended. But whenever a new bridge or culvert, or public building, is authorized by the trustees, or the grading or paving of any street, sidewalk or crosswalk, in any of the streets, lanes or avenues of said village, it shall be the duty of the trustees to advertise for sealed proposals for doing said work, and in all cases the trustees shall award such contract to the lowest responsible bidder, upon conditions that the person or persons awarded the contract shall give to the trustees a good and sufficient bond, conditioned for the faithful performance of the contract according to the plans and specifications adopted by the said trustees for such work.

§ 8. Section four of title two of said chapter is hereby amended so as to read as follows:

Sidewalk
improve-
ments.

When
made by
trustees.

Expense,
how as-
sessed and
collected.

Apportion-
ment of
expenses
of im-
prove-
ments.

§ 4. The trustees shall have the power to compel the owners and occupants of lands or lots in front of which a sidewalk or street is to be made or repaired, to make such improvement upon the sidewalk or street in front of said land or lot, and shall determine and prescribe the manner of doing the same, and the material to be used therein, and the quality and kind of such materials; and in case the owner or owners, occupant or occupants, of any such land or lot shall neglect or refuse to complete the said required improvements within such reasonable time as shall be required by the trustees, the said trustees may cause such improvements to be made or completed, and the expense thereof may be assessed by the local assessors, together with the expenses of surveying and superintending, on such owner or owners, so neglecting or refusing, and be collected by warrant issued by the president and trustees as other taxes are directed to be collected by this act; and in case such tax or assessment shall not be paid or collected the trustees may cause such real estate to be sold as hereinafter provided, or the owners thereof may be sued for payment and collection of such tax, and the costs and expenses arising from non-payment, in the manner and with the effect, and subject to the provisions of this act in regard to the collection of taxes and assessments by the selling of real estate or by action at law against the person liable. Whenever any improvements or repairs (except repairs not exceeding in amount one hundred dollars in any one instance and drains and sewers) shall be ordered by the board of trustees, and shall be contracted for by the board of trustees; the said board of trustees shall certify

that fact and the contract price to the assessors of the village and thereupon the expense of such improvement shall be apportioned and charged upon the property, persons or corporations benefited thereby; such apportionment shall be made by the assessors of the village of Greenbush who, by virtue of their office, shall be the local assessors of said village. The said assessors shall make a list of said apportionment, in which they shall state the names of the persons or corporations owning the property chargeable with the expense of such improvements if the names of the persons or corporations shall be known to them; if not known to them, then it shall be charged against owners unknown; also a description of the property, which shall be sufficient if it gives the number or letter of the lot and the street, alley, highway, avenue or square where situated; also the amount chargeable to each lot or part of lot, which list, when the improvement shall cost exceeding three hundred dollars, shall be accompanied by a map or diagram of all the property intended to be benefited by such improvement and shall when so completed be filed with said map or diagram, in the office of the clerk of the village, where it shall be open to the inspection of any person affected by said improvement for the space of fifteen days. It shall be the duty of the said assessors, on such filing of said list of assessments, and within fifteen days thereafter, to cause a notice to be served upon the persons named in said list, either personally or by mail, directed to their respective reputed places of residence, if known to said assessors or either of them; if not known, to be affixed on the outer doors of the Ring steamer-house, Mink steamer-house, Hart hose-house and Ocean hose-house, in said village, which notice shall contain a copy of the resolution or ordinance of the board of trustees directing such improvement, the amount chargeable to the respective persons charged with such improvement, so far as the persons are known, and when the name is unknown the fact to be so stated; stating the time and place the persons feeling aggrieved with such apportionment will be heard for the purpose of equalizing, correcting and making such alterations in such apportionment, by increasing or diminishing the amount apportioned to each of said persons, corporations or lots named in said list of apportionment, which time for the hearing shall be immediately after the expiration of the fifteen days from the filing of the list as above provided. Said hearing may be adjourned from day to day, not exceeding ten days. At the time and place for hearing mentioned in said notice, it shall be the duty of said assessors to hear any persons interested in said assessments, and feeling aggrieved and after such hearing and duly considering the objections, suggestions and arguments for and against such apportionment, it shall be their duty to equalize, correct and alter the said apportionment when erroneously or improperly applied by increasing or diminishing the respective amount, as to them shall seem just and proper, which equalization, correction or alteration when so made by said assessors increasing or diminishing the amount chargeable to any person or corporation named in said list of apportionment shall be final and conclusive in the premises, and thereupon the said assessors shall confirm the said assessment and shall sign the same in the form of a report. It shall be the duty of the assessors in making up such final report to annex to the same proof of the service of the notice on the persons named in the list, as above provided to be served, which final report, accompanied by proof of service of the notice or notices as aforesaid, shall be filed in the office of the clerk of the village of Greenbush, and thereupon the persons,

Apportionment,
how made.

Notice of
review
thereof,
etc.

Time for
hearing.

Hearing of
persons
aggrieved.

Correction
of apportionment,
etc.

Report and
proof of
service of
notice.

Liens.	<p>corporations and property charged with the expense of said improvement, shall be subject to the payment of the respective amounts named in said final report, and thereupon the said assessments shall be a lien upon the real estate named and described in said final report as respectively affected thereby. Said assessment or assessments shall be held valid in law, if made and confirmed at any time within one year after the improvement was ordered and whether made before or after the improvement has been completed. In all cases of assessments, as aforesaid, the assessors shall include in the apportionment all expenses incident to said improvement. Whenever the amount apportioned shall exceed the actual cost or the improvement shall not be commenced within one year from the completion of the assessment, such excess shall be refunded pro rata to the persons having paid the same or applied in abatement in the village tax on such property. Should the amount so apportioned be insufficient to cover the cost of any improvement, such deficiency shall be apportioned pro rata by the assessors upon the property originally assessed; the collection thereof to be enforced in like manner as the original assessment. In case of drains and sewers the assessment and apportionment shall be made in the same manner, and the assessment and apportionment made by them, if confirmed within one year by the trustees shall become a lien upon the respective lots of land. In case of repairs less than one hundred dollars, the same shall be assessed and apportioned in the manner heretofore provided for assessments. In case any tax or assessment hereafter made or levied shall be or become void, illegal or erroneous for want of jurisdiction or on account of any irregularity or defect in the manner of laying or making the same, the same shall be reassessed and reapportioned and levied, as the case may be, in a proper manner.</p>
Confirmation of assessments.	<p>§ 9. Section five of title two of said chapter is hereby amended so as to read as follows:</p>
Refunding of assessments.	<p>§ 5. The said board of trustees shall and may, in each and every year, cause a sum not to exceed one thousand dollars, to pay the ordinary expenses of repairing streets, alleys and crosswalks hereafter paved, and cleaning and repairing sewers, and a sum sufficient to pay for lighting streets and alleys, and for all street and alley squares and all crosswalks at the intersection of streets and alleys hereafter ordered paved to be raised by tax, which sum shall be raised, apportioned, levied and assessed in one tax upon the real and personal property liable to taxation within the corporate limits of said village, as designated in section one of title one of this act.</p>
Deficiencies.	<p>§ 10. Section thirteen of title two of said chapter is hereby amended so as to read as follows:</p>
Assessments for drains, etc.	<p>§ 13. The trustees shall, at their last meeting in April, in each year, present and publish in the village newspaper, a detailed statement of the expenditures for the past fiscal year, and of the estimated ordinary expenditures of such village for the ensuing year, and the next succeeding board of trustees shall not, in such case, raise any greater sum of money than shall have been so estimated to meet, which taxes may be lawfully raised, specifying each general item of anticipated expense, which statement shall be signed by them, filed with the clerk, and recorded in a book to be kept for that purpose.</p>
Repairs.	<p>§ 11. Section one of title six of said chapter is hereby amended so as to read as follows:</p>
Reassessment and relief of taxes, etc.	<p>§ 1. The assessors of the town of Greenbush shall, under this act, be the assessors of said village, and shall assess annual and special taxes that they may be directed so to do by the board of trustees, in</p>
Annual village tax.	
Annual financial statement.	
Taxes.	
Village assessors.	

the same manner as town and county taxes are assessed, and shall receive such compensation therefor as shall be fixed by a resolution of the board of trustees.

§ 12. Section four of title six of said chapter is hereby amended so as to read as follows:

§ 4. Any sums imposed by said trustees or directed by them to be made for a specific work or improvement, which they shall judge and declare to be local shall be assessed by said assessors upon or among the lots and lands upon or in front of which such work shall be done or improvements made, and upon the owners or occupants of said lots; and said assessment shall be so made as that the lots upon or in front of which such work shall be done or improvements made, and the owners or occupants thereof shall be subject to and shall pay the proportionate amount of said sum so directed to be raised, which shall be incurred or expended upon or in front of said lots respectively.

Assessments for local improvements.

§ 13. Section six of title six of said chapter is hereby amended so as to read as follows:

§ 6. The clerk of said village shall attend all meetings of the board of trustees, record their proceedings, preserve and keep all books and papers belonging to said corporation and appertaining to his office, attend to the publication of all by-laws, ordinances and notices, as the trustees shall direct, and perform such other duties as the trustees may, from time to time, lawfully direct or ordain. The books and papers in the office of said clerk shall, at all times on demand, be produced for inspection to all taxable inhabitants of said village, upon like demand, and the tender of fees, at the rate of six cents per folio therefor, he shall make and furnish a certified copy or transcript of any papers or records filed with him as such clerk. In case of the absence of the clerk from any of the meetings at which he is required to officiate, his duty on such occasion shall be performed by such person as the board of trustees shall for the time being designate.

Village clerk, his duties.

Clerk pro tempore.

§ 14. Section seven of title six of said chapter is hereby amended so as to read as follows:

§ 7. Whenever any tax or assessment shall be returned by the receiver of taxes to the clerk as remaining unpaid, the board of trustees shall direct the clerk of said village to advertise and sell such lot or lots against which such taxes or assessments remaining unpaid, for a term of time for the payment of such tax or assessment, with interest at twelve per centum per annum, giving thirty days' notice of such sale by posting six notices and publishing the same once a week in each week during said time in the village newspaper, and serving personal notice on the owner or occupant of such estate, or his agent, if a resident of said village, or by depositing the same in the post office, directed to such owner or occupant at his place of residence or the nearest post-office thereunto, if known. Upon such sale such property shall be sold to the person who shall offer to take the same for the shortest term for the payment of such tax or assessment, with interest at the rate aforesaid, and the expenses of such notice and sale. The trustees shall thereupon, on the payment thereof by such purchaser, deliver to him a certificate of such sale, signed by the president and countersigned by the clerk with the corporate seal affixed thereto. The execution of such certificate may be proven or acknowledged as deeds. But in case there are no other purchasers at such sale, it shall be the duty of the president of the village, or in his absence any member of the board of trustees whom the president may appoint or designate, to purchase for the village all such property as may be offered for sale at such tax

Sale of lands for taxes and assessments.

Notices of sale.

Sale.

Certificate of sale.

Purchase of property for village.

Certificate
therefor.

Notice as
to redemp-
tion of
lands, etc.

Publica-
tion.

Convey-
ance to
purchaser.

Certificate
of sale to
be re-
turned.

Fees of
clerk.

Terms of
officers,
not
abridged,
etc.

sale, and the same shall be paid for out of any moneys in the village treasury. The certificate therefor shall be issued to the village of Greenbush, which certificate may at any time be sold or assigned by direction of the board of trustees of said village, the money arising therefrom to be paid to the village treasurer immediately after such sale or transfer. The village clerk shall at least one month and not more than six months before the expiration of the time allowed for redemption of the land sold for taxes or assessments, prepare and publish as to such village, a notice similar to that required to be published by the comptroller of the state of New York under the general laws, specifying particularly every parcel remaining unredeemed and the amount necessary to redeem the same, calculated to the day on which said redemption can be made, and stating that unless such lands are redeemed by a certain day they will be conveyed to the purchaser, and he shall cause such notice to be published for at least once a week for five successive weeks previous to the expiration of the time of such redemption, in the village newspaper, the expense thereof to be charged pro rata upon said several parcels, and the expense of said publication shall be audited by said board of trustees and paid out of any money in the village treasury. If such real estate or any part thereof be unredeemed as hereinbefore provided, the said village clerk shall deliver to the purchaser, his heirs or assigns a conveyance of such real estate, which conveyance of such real estate shall be made and executed by the president of the village, with the corporate seal affixed thereto. The execution of such conveyance shall be proven or acknowledged and be recorded in like manner and with like effect as other conveyances of real estate. Said conveyance shall vest in the purchaser or grantee an absolute estate for the term of years mentioned in his certificate, subject, however, to the liens of any assessments for improvements made by said village of Greenbush, and to all claims which the people of the state of New York may have thereon for taxes or other liens or incumbrances. When such conveyances are executed the certificate of sale upon which such conveyance is made shall be returned to the village clerk, who shall file said certificate in his office as a voucher for the conveyance executed and delivered. The village clerk shall be entitled to one dollar for preparing and executing such conveyance, which conveyance may include all the lands unredeemed, purchased at such sale by the said grantee, but said clerk shall not receive or be entitled to any sum for preparing and executing such conveyance where the president of the village or any member of the board of trustees whom the president may appoint or designate to purchase for the village, where the same is purchased in the name and for the benefit of the village.

§ 15. Section ten of title six of said chapter is hereby amended so as to read as follows:

§ 10. The enactment of this law hereby made shall not abridge or shorten the term of office of any of the officers of the said village heretofore elected or appointed, but said officers shall continue in office until the expiration of their term or until their successors have been duly elected and qualified.

§ 16. This act shall take effect immediately.

CHAP. 105.

AN ACT to revise the charter of the city of Buffalo.

APPROVED by the Governor March 27, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

TITLE I.

THE CITY.

SECTION 1. The city of Buffalo shall be bounded as follows: Beginning at a point where a line drawn parallel with and thirteen hundred and fifty-three feet distant, and southerly at right angles from the northerly line of lot one hundred and three on the "mile strip" of the New York state reservation on the Niagara river, will intersect the east bank of the Niagara river, and running thence easterly and parallel with said northerly line of said lot one hundred and three to the New York state reservation line, including so much of said lot one hundred and three as lies southerly of the line thus establishing and excluding so much of the "Jones mile square," so called as lies northerly of said line; thence southeasterly along the northeasterly bounds of the said "Jones mile square" and the New York state reservation line the following courses and distance, to wit: South forty degrees east, two chains and sixty links; south thirty-five degrees east, seven chains; south thirty degrees east, seven chains; south twenty-five degrees east, seven chains, and south twenty degrees east, one chain and eighty-three links to the northwesterly corner of township number eleven, in the eighth range of townships of the Holland Land Company's survey; thence easterly along the northerly line of said township, to the northeasterly corner thereof; thence easterly, along the northerly line of said township, to the northeasterly corner thereof; thence easterly, along the northerly line of lot number sixty-six of the eleventh township and seventh range, to the northeasterly corner of said lot number sixty-six; thence southerly, along the easterly line of said lot number sixty-six, to the southeasterly corner thereof; thence easterly, along the southerly line of lots numbers sixty-five, fifty-eight, fifty-seven and fifty-six to the southeasterly corner of said lot fifty-six; thence northerly along the easterly line of lots numbers forty-six, forty-five, forty-four, forty-three, forty-two and forty-one, to the southwesterly corner of lot number thirty-two and the southeasterly corner of lot number forty-one in said last-mentioned township; said corners being also a point in the northerly line of the Buffalo Creek Indian reservation, as surveyed by James Sperry, eight chains and eighty-two links easterly from the northwesterly corner of lot number one hundred and forty-eight and one-half; thence south one degree and fifty-one minutes west, two hundred and eighty-eight chains and seventy-four links to a point in the southerly line of lot number two hundred and seventy-five of said reservation, and eighteen chains and forty-eight links easterly from southwesterly corner of said lot number two hundred and seventy-five; thence westerly along the southerly line of lots numbers two hundred and seventy-five, two hundred and sixty-four, two hundred and sixty-three and forty-two, to the southwesterly corner of said lot number forty-two; thence westerly on the same course

City
bound-
aries.

as the last described line, to the westerly line of the state of New York; thence northerly, along said westerly line of the state of New York, to a point on Niagara river, at right angles with the easterly shore opposite the place of beginning, and thence in a right line easterly, to the place of beginning.

Corporate
name and
powers.

§ 2. The citizens of this state, who may from time to time reside in said city, shall continue to be a municipal corporation in perpetuity under the name of the "City of Buffalo." The corporation may take, purchase, hold and convey real and personal property. It may take by gift, grant, bequest and devise, and hold real and personal estate in trust for any purpose of education, art, health, charity or amusement, for parks, gardens, and grounds for the burial of the dead, or other public use, and for the erection of statues, monuments and public buildings upon such terms as may be prescribed by the grantor or donor and accepted by the corporation; and it may provide for the proper execution of such trusts. It may do everything necessary to carry into effect the powers granted to it.

§ 3. The city shall be divided into twenty-five wards, bounded respectively as follows:

First ward.

First ward.—All that portion of the city included in the following boundary shall be known as the first ward, to wit: Beginning at the intersection of the center line of Main street and Exchange street; thence along Main street southerly to Buffalo creek; thence westerly along Buffalo creek to its junction with Lake Erie; thence along Lake Erie to a line which would intersect the center of Louisiana street if said street were continued from Ohio street to Lake Erie; thence along the center of said line north to the center of Louisiana street and thence along the center of Louisiana street to the center of Exchange street; thence westerly along the center line of Exchange street to the place of beginning.

Second
ward.

Second ward.—Beginning at the intersection of the center line of Exchange and Louisiana streets; thence southerly along the center line of Louisiana street to Buffalo river; thence easterly along Buffalo river to the Indian reservation line; thence northerly along the Indian reservation line to the center line of Elk street; thence westerly along the center line of Elk street to the center line of Red Jacket street; thence northerly along the center line of Red Jacket street to the center line of Exchange street; thence westerly along the center line of Exchange street to Louisiana street, the place of beginning.

Third
ward.

Third ward.—Beginning at the intersection line of Main and Exchange streets; thence northerly along the center line of Main street to the center line of Eagle street; thence easterly along the center line of Eagle street to the center line of Cedar street; thence southerly along the center line of Cedar street to the center line of Swan street; thence easterly along the center line of Swan street to the center line of Spring street; thence southerly along the center line of Spring street to the center line of Myrtle avenue; thence easterly along the center line of Myrtle avenue to the center line of Jefferson street; thence southerly along the center line of Jefferson street to the center line of Exchange street; thence westerly along the center line of Exchange street to the center line of Main street, the place of beginning.

Fourth
ward.

Fourth ward.—Beginning at the intersection of the center line of Cedar and Eagle streets; thence easterly along the center line of Eagle street to the center line of Fillmore avenue; thence southwesterly along the center line of Fillmore avenue to the center line of Seneca

street; thence westerly along the center line of Seneca street to the Indian reservation line; thence southwesterly along the Indian reservation line to the center line of Elk street; thence westerly along the center line of Elk street to the center line of Red Jacket street; thence northerly along the center line of Red Jacket street to the center line of Exchange street; thence westerly along the center line of Exchange street to the center line of Jefferson street; thence northerly along the center line of Jefferson street to the center line of Myrtle avenue; thence westerly along the center line of Myrtle avenue to the center line of Spring street; thence northerly along the center line of Spring street to the center line of Swan street; thence westerly along the center line of Swan street to the center line of Cedar street; thence northerly along the center line of Cedar street to the center line of Eagle street, the place of beginning.

Fifth ward. — Beginning at the intersection of the center line of Fillmore avenue and Clinton street; running thence easterly along the center line of Clinton street to the easterly boundary of the city; thence southerly along said easterly boundary to the southern boundary of said city; thence westerly along said southern boundary to the westerly bounds of the state of New York; thence northwesterly along said westerly bounds to its intersection of the easterly boundary of the first ward; thence northeasterly along the east boundaries of the first, second and fourth wards to the intersection of the center line of Eagle street and Fillmore avenue; thence northerly along the center line of Fillmore avenue to the center line of Clinton street, the place of beginning.

Sixth ward. — Beginning at the intersection of Main and Goodell streets; thence easterly along the center line of Goodell street to the center line of Michigan street; thence southerly along the center line of Michigan street to the center line of Eagle street; thence westerly along the center line of Eagle street to the center line of Main street; thence northerly along the center line of Main street to the center line of Goodell street, the place of beginning.

Seventh ward. — Beginning at the intersection of Michigan and Eagle streets; thence northerly along the center line of Michigan street to the center line of Broadway; thence easterly along the center line of Broadway to the center line of Pratt street; thence southerly along the center line of Pratt street to the center line of Eagle street; thence westerly along the center line of Eagle street to the center line of Michigan street, the place of beginning.

Eighth ward. — Beginning at the intersection of the center lines of Pratt street and Eagle street; thence northerly along the center line of Pratt street to the center line of Broadway; thence easterly along the center line of Broadway to the center line of Adams street; thence southerly along the center line of Adams street to the center line of Eagle street; thence westerly along the center line of Eagle street to the center line of Pratt street, the place of beginning.

Ninth ward. — Beginning at the intersection of the center lines of William and Adams streets; thence northerly along the center line of Adams street to the center line of Broadway; thence easterly along the center line of Broadway to the center line of Fillmore avenue; thence southerly along the center line of Fillmore avenue to the center line of William street; thence westerly along the center line of William street to the center line of Adams street, the place of beginning.

Tenth ward. — Beginning at the intersection of the center lines of

Eagle and Adams streets; thence northerly along the center line of Adams street to the center line of William street; thence easterly along the center line of William street to the center line of Fillmore avenue; thence southerly along the center line of Fillmore avenue to the center line of Eagle street; thence westerly along the center line of Eagle street to the center line of Adams street, the place of beginning.

Eleventh ward.

Eleventh ward.—Beginning at the intersection of the center lines of Fillmore avenue and Clinton streets; thence northerly along the center line of Fillmore avenue to the center line of Broadway; thence easterly along the center line of Broadway to the east bounds of the city; thence southerly along the east bounds of the city to the center line of Clinton street; thence westerly along the center line of Clinton street to the center line of Fillmore avenue, the place of beginning.

Twelfth ward.

Twelfth ward.—Beginning at the intersection of the center line of Michigan street and Broadway; thence northerly along the center line of Michigan street to the center line of Genesee street; thence easterly along the center line of Genesee street to the center line of Mortimer street; thence southerly along the center line of Mortimer street to the center line of Broadway; thence westerly along the center line of Broadway to the center line of Michigan street, the place of beginning.

Thirteenth ward.

Thirteenth ward.—Beginning at the intersection of the center lines of Mortimer street and Broadway; thence northerly along the center line of Mortimer street to the center line of Genesee street; thence easterly along the center line of Genesee street to the center line of Sherman street; thence southerly along the center line of Sherman street to the center line of Broadway; thence westerly along the center line of Broadway to the center line of Mortimer street, the place of beginning.

Fourteenth ward.

Fourteenth ward.—Beginning at the intersection of the center lines of Broadway and Sherman street; thence northerly along the center line of Sherman street to the center line of Genesee street; thence easterly along the center line of Genesee street to the center line of Bowen street at its intersection with Walden avenue; thence easterly along the center line of Walden avenue to the east bounds of the city; thence southerly along the east bounds of the city to the center line of Broadway; thence westerly along the center line of Broadway to the center line of Sherman street, the place of beginning.

Fifteenth ward.

Fifteenth ward.—Beginning at the intersection of the center lines of Main and Goodell streets; thence easterly along the center line of Goodell street to the center line of Michigan street; thence southerly along the center line of Michigan street to the center line of Genesee street; thence easterly along the center line of Genesee street to the center line of Hickory street; thence northerly along the center line of Hickory street to the center line of Cherry street; thence easterly along the center line of Cherry street to the center line of Goodell street; thence westerly along Goodell street to the center line of Mulberry street; thence northerly along the center line of Mulberry street to the center line of North street; thence westerly along the center line of North street to the center line of Main street; thence southerly along the center line of Main street to the center line of Goodell street, the place of beginning.

Sixteenth ward.

Sixteenth ward.—Beginning at the intersection of the center lines of North street and Mulberry street; thence easterly along the center line of North street to the center line of Jefferson street; thence

southerly along the center line of Jefferson street to the center line of Genesee street; thence westerly along the center line of Genesee street to the center line of Hickory street; thence northerly along the center line of Hickory street to the center line of Cherry street; thence easterly to the center line of Cherry and Goodell streets; thence westerly along the center line of Goodell street to its intersection with Mulberry street; thence northerly along the center line of Mulberry street to the center line of North street, the place of beginning.

Seventeenth ward.—Beginning at the intersection of the center lines of Main and North streets; thence easterly along the center line of North street to the center line of Jefferson street; thence northerly along the center line of Jefferson street to the center line of Delavan avenue; thence westerly along the center line of Delavan avenue to the center line of Main street; thence southerly along the center line of Main street to the center line of North street, the place of beginning.

Seventeenth ward.

Eighteenth ward.—Beginning at the intersection of the center lines of Jefferson and Genesee streets; thence easterly along the center line of Genesee street to the intersection of Genesee street with Bowen street and Walden avenue; thence easterly along the center line of Walden avenue to the east bounds of the city; thence northerly along the east bounds of the city to the center line of Delavan avenue; thence westerly along the center line of Delavan avenue to the center line of Jefferson street; thence southerly along the center line of Jefferson street to the center line of Genesee street, the place of beginning.

Eighteenth ward.

Nineteenth ward.—Beginning at a point in the center of Main street opposite the center line of the Terrace, running thence northwesterly along the center line of the Terrace and the center line of Front avenue to the center line of Porter avenue; thence southwesterly along the center line of Porter avenue to the termination thereof; thence due west to the westerly boundary of the state of New York; thence southeasterly along the said westerly boundary to a point due west of the center of the mouth of the Buffalo river, thence east along the bounds of the first ward to a point opposite the center line of Main street; thence northerly along the bounds of the first ward to the place of beginning.

Nineteenth ward.

Twentieth ward.—Beginning at the intersection of the center lines of Main and Huron streets, running thence westerly along the center line of Huron street to its intersection with the center line of Prospect avenue continued; thence northwesterly along the center line of Prospect avenue to the center line of Porter avenue; thence southwesterly along the center line of Porter avenue to the center line of Front avenue; thence southeasterly along the northeasterly bounds of the nineteenth ward to the center line of Main street; thence northerly along the center line of Main street to the center line of Huron street, the place of beginning.

Twentieth ward.

Twenty-first ward.—Beginning at the intersection of the center lines of Main and North streets, thence westerly along the center line of North street to the center line of Richmond avenue extended southerly; thence southerly along the center line of Richmond avenue extended to the intersection of Wadsworth street extended northerly; thence southerly along Wadsworth street extended northerly to Wadsworth street; thence southerly along the center line of Wadsworth street to the center line of Hudson street; thence westerly along the

Twenty-first ward.

center line of Hudson street to the center line of Prospect avenue ; thence southerly along the center line of Prospect avenue to the center line of Huron street ; thence easterly along the center line of Huron street to the center line of Main street ; thence northerly along the center line of Main street to the center line of North street, the place of beginning.

Twenty-second ward.

Twenty-second ward.— Beginning at the intersection of the center lines of Grant street and Bird avenue ; thence westerly along the center line of Bird avenue to the center line of Black Rock harbor ; thence southerly along the center line of Black Rock harbor to a point opposite the center line of Bouck avenue ; thence westerly and parallel with the center line of Bouck avenue to the westerly boundaries of the state of New York ; thence southerly along the westerly boundaries of the state of New York to a point opposite the center line of Porter avenue ; thence northeasterly to the center line of Porter avenue ; thence along the center line of Porter avenue to the center line of Fargo avenue ; thence northerly along the center line of Fargo avenue to the center line of Massachusetts street ; thence northeasterly along the center line of Massachusetts street to the center line of Sixteenth street ; thence northerly along the center line of Sixteenth street to the center line of Hampshire street ; thence easterly along the center line of Hampshire street to the center line of Grant street ; thence northerly along the center line of Grant street to the center line of Bird avenue, the place of beginning.

Twenty-third ward

Twenty-third ward. — Beginning at the intersection of the center line of Richmond avenue and the center line of Ferry street ; thence southwesterly along the center line of Ferry street to the center line of Massachusetts street ; thence southwesterly along the center line of Massachusetts street to the center line of Fargo avenue ; thence southeasterly along the center line of Fargo avenue to the center line of Porter avenue ; thence southwesterly along the center line of Porter avenue to the center line of Prospect avenue ; thence southerly along the center line of Prospect avenue to the center line of Hudson street ; thence northeasterly along the center line of Hudson street to the center line of Wadsworth street ; thence northwesterly along the center line of Wadsworth street to the Circle at a point opposite Richmond avenue ; thence northerly along the center line of Richmond avenue to the center line of Ferry street, the place of beginning.

Twenty-fourth ward.

Twenty-fourth ward. — Beginning at the intersection of the center lines of Main street and Scajaquada creek ; thence westerly along the center line of Scajaquada creek to the westerly line of the state of New York and including Squaw Island ; thence southerly along the westerly line of the state of New York to a point opposite the center line of Bouck avenue ; thence easterly on a line parallel with Bouck avenue to the center line of Black Rock harbor ; thence northerly along the center line of Black Rock harbor to a point opposite the center line of Bird avenue ; thence easterly to the center line of Bird avenue ; thence easterly along the center line of Bird avenue to the center line of Grant street ; thence southerly along the center line of Grant street to the center line of Hampshire street ; thence northerly along the center line of Hampshire street to the center line of Sixteenth street ; thence southerly along the center line of Sixteenth street to the center line of Massachusetts street ; thence northeasterly along the center line of Massachusetts street to the center line of Ferry street ; thence easterly along the center line of Ferry street to the center line of Richmond avenue ; thence southerly along the

center line of Richmond avenue to the Circle at a point opposite the center line of North street; thence easterly along the center line of North street to the center line of Main street; thence northerly along the center line of Main street to the center line of Scajaquada creek, the place of beginning.

Twenty-fifth ward. — Beginning at the point of intersection of the westerly bounds of the state of New York and the northwesterly bounds of the city, and running thence northeasterly and easterly to the east bounds of said city; thence southeasterly along the east bounds of the city to the center line of Delavan avenue; thence continuing westerly along the center line of Delavan avenue to the center line of Main street; thence northerly to the center line of Scajaquada creek, thence westerly along the center line of Scajaquada creek to the westerly line of the state of New York; thence northerly along the bounds of the state of New York to the place of beginning.

TITLE II.

THE LEGISLATIVE DEPARTMENT.

CHAPTER I.

§ 4. The legislative power of the city shall be vested in a common council, which shall consist of a board of councilmen and a board of aldermen.

Common council.

§ 5. No action of the common council shall be of force unless it shall have originated in the board of aldermen and shall have been approved by the board of councilmen; but the board of councilmen may amend any measure transmitted to it and return the same to the board of aldermen for further consideration; if the board of aldermen agree to such amendment, its action as amended shall be the action of the common council; if it shall not agree thereto, and shall further amend, it may return the measure as finally passed by it to the board of councilmen for its further consideration. Whenever by law, the giving of notice, reference to any committee or any officer or person, or other act is made a prerequisite to action by the common council, it shall be necessary for such notice to be given, reference to be made or other act to be done, by the board of aldermen only, unless herein otherwise specifically provided.

Action thereof, not of force unless, etc.

Notices, etc., by board of aldermen only.

§ 6. The board of councilmen shall consist of nine members, who shall be elected by the electors of the city. Councilmen shall hold office for three years, except as hereinafter provided. At the annual election of eighteen hundred and ninety-one, nine councilmen shall be elected. At a place and time, before the thirty-first day of December, eighteen hundred and ninety-one, to be designated by the mayor, the nine councilmen shall meet and determine by lot three of their number to hold office for one year, three to hold office for two years and three to hold office for three years, and shall certify in writing to the city clerk their determination. Thereafter three councilmen shall be elected each year at the annual election, for the term of three years.

Board of councilmen.

Election and terms of councilmen.

§ 7. On and after the first Monday of January, eighteen hundred and ninety-two, the board of aldermen shall consist of aldermen elected by the electors of the several wards of the city, one from each ward. They shall hold office for the term of two years, except as hereinafter provided. Each alderman elected at the annual election in eighteen hundred and ninety, who shall be in office on the first Monday in January, eighteen hundred and ninety-two, shall be the alderman for

Board of aldermen.

Terms of present aldermen.

the remainder of the term for which he was elected, of the ward created by this act in which he may reside on the first day of October, eighteen hundred and ninety-one, if such ward shall be a part or the whole of the ward in which he was elected. At the annual election for the year eighteen hundred and ninety-one, one alderman shall be elected by the electors of each ward created by this act, in which an alderman does not hold over as above provided. At each annual election thereafter an alderman shall be elected in each ward where the term of the alderman elected therein will expire on the first Monday of January following. Every alderman shall be a resident of the ward in which he is elected. The removal of any alderman from the ward he represents shall make the office vacant.

Election of aldermen.

Removal from ward.

Quorum of boards.

Vote, when required in each board.

Election of presidents.

Temporary presidents.

Stated and special meetings.

Notice of special meetings.

Rules, votes by ayes and nays, etc.

Journals.

Appointments.

Rooms for departments.

Banks of deposit.

§ 8. A majority of all the aldermen elected shall constitute a quorum of the board of aldermen, and six councilmen shall constitute a quorum of the board of councilmen, but less than a quorum of each board may adjourn from time to time and compel the attendance of absent members. Whenever a unanimous or other specified vote of the common council is required, such vote shall be required in each board. The boards composing the common council shall meet on the first Monday in January in each year at ten o'clock in the forenoon, and, as soon thereafter as practicable, each board shall elect by ballot one of its members as its president to preside over its meetings for one year; and for the purposes of such election, the city clerk, or his deputy, shall act as presiding officer of each board. In the absence of its president, each board may choose a temporary president.

§ 9. Each board composing the common council shall fix the time for its stated meetings, and may adjourn from time to time. The mayor, or if he be absent from the city or unable to act, the city clerk, on the written request of four aldermen and two councilmen, may call special meetings of the common council, and the mayor may call special meetings of either board. Each board may provide by rule for additional modes of calling its special meetings. Notice of special meetings of the common council shall be given by delivering personally to each alderman and councilman, or leaving at his residence, at least six hours before such meeting, a written notice thereof, signed by the person calling the same. Notice of special meetings of either board shall be given in the same manner, but to the members only of the board which is to meet.

§ 10. Each board shall be the judge of the qualifications of its members, and shall determine the rules of its own proceedings; but all votes in the board of councilmen, where there is a dissenting vote, and all votes where more than a majority is required, in the board of aldermen, shall be taken by ayes and nays, which shall be entered on the journal. Each board shall keep a journal of its proceedings and publish the same, except that such parts of the proceedings of the board of councilmen as merely affirms or concurs in the proceedings of the board of aldermen need not be published. The sittings of each board shall be public. Each board may appoint a sergeant-at-arms and such doorkeepers and messengers as it may find necessary.

§ 11. The common council shall provide the different departments with suitable rooms and accommodations, where they are not otherwise provided for.

§ 12. The common council shall designate the banks in which the treasurer shall deposit the money of the city, and require from each bank security for the payment thereof. The cashier of each of said banks shall, on Monday of each week, report in writing to the comp-

troller, the amount on deposit to the credit of the treasurer at the closing of the bank on the Saturday preceding.

§ 13. The common council may, by a vote of two-thirds of the members of each board, authorize the mayor to offer a reward for the apprehension of the perpetrator of crime committed within the city, or an offender against an ordinance, to be paid upon the conviction of such person.

Rewards for apprehension of criminals, etc.

§ 14. The common council may authorize the comptroller to open an account upon the books of his office, to be called the local redemption fund. The comptroller shall, from time to time, transfer to such fund all the balances to the credit of local assessments levied on account of any local improvement ordered more than six years previous thereto, and may draw orders on such local redemption fund for the payment of any outstanding warrants drawn against assessments so transferred upon the surrender and cancellation of such outstanding warrants, or in case of loss or destruction thereof, upon filing a bond of indemnity to the city therefor.

Local redemption fund.

It may also empower the comptroller to close specified accounts on his books by charging the same to the profit and loss account. Such authority shall be given only upon his written request specifying the account and the reason for such action. It may authorize the issue of bonds to an amount not exceeding one million five hundred thousand dollars, for the purpose of raising money to take up and pay all outstanding warrants heretofore issued in payment of any local work or improvement. Such bonds shall be payable at such time or times as the common council may prescribe, and shall bear interest not to exceed four per centum per annum.

Closing of accounts.

Bonds for redeeming warrants.

All moneys realized on account of local assessments or from sales for non-payment of the same, or from redemption or assignment of certificates of sales therefor, all additions to and interest upon local assessments and all premiums realized upon the sale of bonds of the city shall be paid into said local redemption fund, and such moneys when so realized shall be used and are hereby pledged for the payment of any bonds of the city issued for the purpose of redeeming warrants and of raising money to pay for any local work or improvement for the payment of which such bonds were issued.

Payments into fund.

Moneys pledged.

§ 15. The common council shall audit all claims against the city. Unliquidated claims shall be filed with the city clerk, and shall be made out in detail specifying if for labor or services, the time when, the place where, by whom and under whose direction, and by what authority performed; if for merchandise, material or other articles furnished, the items thereof, by whom ordered and when and to whom delivered, and shall be certified to be correct by the head of the department for which the work was done or materials furnished; and if for damages, for wrong or injury, when, where and how occasioned, and shall be accompanied by an affidavit that the claim and the items and specifications thereof are in all respects just and correct, and that no payments have been made, and that no set-off exists except those stated.

Claims against city, how audited and made out.

Verification.

§ 16. No action or proceeding to recover or enforce any claim against the city shall be brought until the expiration of forty days after the claim shall have been filed with the city clerk for presentation to the common council for audit, in the manner and form aforesaid, and no action shall be maintained against the city for personal injury, unless notice of intention to commence such action shall have been filed with the corporation counsel within six months after such cause of action shall have accrued. Before the common council shall

Actions to recover claims.

Reference

to auditor.	audit any claim other than for personal injuries or injuries to property the board of aldermen shall refer it to the auditor. If the claim be not made out and verified as above required the board of aldermen may, within thirty days after its presentation, refuse on that ground to audit it. All actions brought against the city to recover damages for personal injuries caused by negligence must be commenced within one year from the time of receiving the injuries.
Refusal to audit.	
Actions for personal injury.	
Ordinances.	§ 17. The common council shall, from time to time, enact ordinances :
Fixing salary.	(1.) To fix the number of and the salary or compensation to be paid to the several officers and employes of the city not otherwise herein fixed or provided for, and the times when the same shall be paid. Such salary or compensation shall be fixed in the case of elective officers before their election and in case of appointed officers before their appointment. No change shall be made in the salary or compensation of any officer or employe during his term of service, and no extra compensation shall be granted to any such officer or employe or to any contractor.
Change, during term, etc.	
Duties of officers	(2.) To prescribe the duties of all officers or persons elected or appointed under this act, not herein prescribed.
Disorderly conduct, vagrants, etc.	(3.) To define and prevent disorderly conduct; to prevent all disorderly assemblages, all disturbing noise, all drunkenness in public places; and to punish vagrants, beggars and disorderly persons as defined by law.
Harbors and waters of city.	(4.) To preserve and protect the harbors, canals, basins and other waters of the city; to prevent all encroachments, obstructions and deposits in them; to prohibit or regulate bathing, or swimming in any waters in the city; to prevent any steam vessel, while navigating waters within the city, from using wood for fuel; to regulate and prescribe the mode and speed of vessels, boats and floats in entering and leaving them, and in coming to, laying at, or departing from the wharves and piers, and the disposition of the sails, yards, anchors and appurtenances; and to empower the harbor master to prescribe and regulate the location therein of all vessels, boats or floats, and to compel them to change their location.
Vessels and boats.	
Location thereof.	
Building regulations and fire limits.	(5.) To prescribe general regulations for the erection of all buildings in the city; to define the limits within which wooden buildings shall not be erected, placed or rebuilt, and the manner in, and the materials of which all buildings shall be constructed within such limits; also to define outer limits in which wooden buildings may be constructed, placed or rebuilt, under such regulations as may be imposed by ordinance, special permission from the common council being required therefor; every building erected or placed contrary to any ordinance passed under the above provisions shall be deemed a common nuisance, and may be abated as such. An application for special permission to erect, place or rebuild any building within the outer limits contrary to such ordinances shall, before being acted upon, be properly referred by the board of aldermen, and a resolution granting such permission can only be passed at a regular meeting, held subsequent to such reference, and by the unanimous vote of the members of the common council present. To prevent all unsafe construction or condition of chimneys, flues, stoves, pipes and other things used for fire or conducting smoke; to compel the cleaning of them, and to regulate their construction and condition; to prevent the deposit of ashes in unsafe places and receptacles; to regulate the use of lights in buildings in which combustible articles may be deposited; to regulate
Application for special permits.	
Precautionary measures against fire.	

the carrying on of manufactories liable to cause fires, and to regulate and prevent the use of fireworks and firearms in the city; to prevent bonfires in the streets and public grounds; to compel the owners and occupants of buildings to have scuttles in the roofs, and stairs and ladders leading to the same, and to require fire-escapes to be placed upon buildings when, and as directed by the department of fire; to punish the willful making of a false alarm of fire, or willfully calling a police patrol wagon without cause; and to prohibit the formation of fire, hose or hook and ladder companies.

Scuttles
and fire
escapes.

False
alarms.

Com-
panies.

(6.) To license and regulate cartmen, porters, owners and drivers of all vehicles used for the transportation of passengers or property for hire, and to fix the rates of compensation to be taken by them; to license and regulate plumbers, auctioneers, butchers, hawkers, peddlers, junk-dealers, pawnbrokers and the business of pawnbrokerage, and to fix the rates to be charged by pawnbrokers in their business; to regulate the running at large of dogs, and to license the same; to prohibit, license or regulate public billiard-rooms, bowling-alleys, runners or solicitors for houses of entertainment, railroads, vessels and vehicles, and the exhibition of shows of every kind, and of theatrical representations; to prescribe the terms and conditions on which licenses shall be granted.

Licensing
cartmen,
etc.

Plumbers,
etc.

Dogs.

Billiard-
rooms,
runners,
shows, etc.

(7.) To prohibit or regulate the use of locomotive engines and of steam, and to regulate other motive power and speed on any portion of any railroad within the city; to require any railroad company to keep a flagman or gates at each railroad crossing of a public street; to provide for the inspection of steam engines and boilers used in the city, and to prohibit the use of unsafe ones; to prohibit any person who has not been duly licensed under such regulations as the common council may prescribe, from running any steam engine, stationary or otherwise, in the city, except the engineers of duly incorporated steam railroads, and engineers duly licensed by the authorities of the United States, to classify such engineers and to provide for the appointment by the mayor of such inspector examiners and employes as may be required to carry out such ordinance; to prohibit or regulate the keeping and conveying of gunpowder and other explosive substances, or other dangerous fluid or material, and to provide for the inspection, forfeiture and destruction of the same; to require that the telegraph, telephone or electric light wires or cables or other appliances for conducting electricity and the poles thereof, heretofore erected in any street, alley or public ground, be removed from overhead in the street, alley or public ground or any part thereof within reasonable time, not less than six months after the enactment of such ordinance, and a compliance with such ordinance in respect to the removal of poles, wires, cables and other appliances for conducting electricity from the streets, alleys and public grounds may be enforced by mandamus by any court of competent jurisdiction upon the application of the city as relator. Any company, corporation or individual may place its wires and electrical conductors in conduits under the surface of the streets, alleys, or public grounds in such manner as to not unnecessarily interfere with the use of such streets or alleys or public grounds for local improvements of any character, or with the sewers or water or gas mains or branches thereof, subject, however, to such regulations and restrictions as the common council may by ordinance make or impose in respect thereto, for the benefit of the public, the city or its citizens; provided, however, that nothing herein contained shall be construed as authorizing the common council to require that any par-

Railroads,
regulations
as to.

Steam
engines
and
boilers.

Inspectors

Gunpow-
der and
explosives.

Removal of
electrical
conductors
and poles.

Placing of
wires, etc.,
under
ground.

- ticular patent or appliance shall be used in the construction of the conduits hereinbefore provided for. And any company, corporation or individual so placing its wires underground in any street, alley or public ground of said city, shall, upon notice from the city or any of its departments, that a local improvement or sewer or water main or branch thereof is to be constructed in such manner as will necessitate the moving or altering of the conduit or conduits of said individual, company or corporation, move or alter the same at its own expense so as to permit the construction of the improvement, where ordered, and should any person, company or corporation omit to comply with such notice, the conduit or conduits may be altered or moved by the city, and the cost and expense thereof recovered from such individual, company or corporation. To regulate the erection of telegraph, electric light and telephone poles, wires, cables, and other electrical conductors, and to require that such wires, cables or other electrical conductors be placed underground subject to such restrictions and regulations as it may make by general ordinance. But nothing in this section contained shall affect any grant or consent heretofore or hereafter made or given pursuant to general laws, as to any matter provided for in and by such grant or consent. Any inspector appointed under the provisions of this subdivision shall be a practical boiler maker, and shall hold office for three years, unless sooner removed for cause.
- Moving or altering conduits upon notice.**
- Erection of poles, wires, etc.**
- Proviso.**
- Nuisances.** (8.) To prevent and abate nuisances; to prohibit or regulate the blowing of steam whistles and the ringing of bells; to regulate or prohibit public pumps, wells, hydrants and reservoirs, and the use of them; to prevent the waste of water; to require the use of water meters; to establish and maintain public baths; to establish and regulate public markets; to locate, regulate and remove slaughter-houses, butchers' stalls, fish stands, livery stables, tanneries and unwholesome or noisome buildings or places, and to compel the cleaning of the same whenever necessary; to regulate the construction of private and public sewers, sinks and privies, and the sale of meats, fish and vegetables; to prevent the sale for domestic use of ice frozen from dirty or impure water; to prevent the adulteration of any article used for food or drink, and provide for the inspection thereof; to locate and regulate dead-houses; to prescribe limits within which there shall be no burials or incinerations of the dead; to purchase and maintain burial grounds; to regulate burials, incinerations and funerals; to compel the keeping and return of bills of mortality, births and marriages.
- Water, baths, etc.**
- Markets and unwholesome places.**
- Sale of meats, etc.**
- Dead-houses, burials, etc.**
- Statistics.**
- Streets and public places.** (9.) To prevent the encroachment upon, projections over, injury to, or the incumbering of the streets, alleys, wharves and public grounds; to light, to clean, and to water them; to regulate the use of them, and to declare in what manner and for what purpose they shall not be used; to prohibit the running at large of horses, cattle, swine, sheep, goats and geese, or the pasturing of them on the street or public grounds, and to authorize the distraining, impounding and sale of them for the penalty and costs of proceedings; to direct and to regulate the planting and pruning of trees in the public grounds and streets, and to protect them from injury; to compel the owners of vacant lands to fence or inclose them; to compel and regulate the numbering of buildings, and the naming of streets and alleys; to prevent and punish fraud in sales by weight or measure.
- Animals thereon.**
- Trees and fences.**
- Street name, etc.**
- Fraud in sales.**
- Official bonds.** (10.) To require bonds or undertakings to be given by the officers of the city and their deputies, and to fix the amount thereof.

(11.) And such other and further ordinances not inconsistent with the laws of the state, as shall be deemed expedient for the good government of the city, the protection of its property, the preservation of peace and good order, the suppression of vice, the benefit of trade and commerce, the preservation of health, the prevention and extinguishment of fires, the exercise of its corporate powers and the performance of its corporate duties. In case any power granted to the common council is also granted in whole or in part to any department or officer, such department or officer shall alone exercise such power to the extent to which it is granted to such department or officer.

Ordinances for good government, etc.

Certain power granted, how exercised.

(12.) The ordinances in force at the time this act takes effect, not inconsistent herewith, shall remain in force until rescinded or modified by the common council. Whenever the words "common council" or "council" are used in such ordinances, the same shall mean the common council created by this act. Except that the common council existing at the time of the passage of this act shall have the power to fix salaries as provided in subdivision one of this section.

Present ordinance.

Words "council," etc., defined.

§ 18. Every ordinance and resolution of the common council, except resolutions making or approving appointments to office or place, designating the official paper, canvassing votes, adopting or altering comptroller's estimates under section seventy of this act, shall be presented to the mayor before it shall be of force. If he approves it he shall sign it; but if not, he shall return it with his objections, to the city clerk, who shall lay the same before the board of aldermen at its next regular meeting thereafter. The board of aldermen shall enter the objections upon its journal, and proceed to reconsider the ordinance or resolution objected to. If, in the first instance, the ordinance or resolution required a majority vote to pass it, and if, upon such reconsideration, two-thirds of all the members elected to the board of aldermen shall agree to pass it, or if, in the first instance, it required a two-thirds vote to pass it, and upon such reconsideration three-fourths of all the members elected to the board of aldermen shall agree to pass it, it shall be presented by the city clerk to the board of councilmen at its next meeting, with the objections of the mayor and a report of the action of the board of aldermen. The board of councilmen shall reconsider its action, and if upon such reconsideration the ordinance or resolution shall receive a two-thirds vote of all the members elected to such board, in case it originally required a majority vote, or if it shall receive a three-fourths vote of all the members elected to such board, if it originally required a two-thirds vote, such resolution shall be of force. If any ordinance or resolution is not returned by the mayor disapproved within ten days after its presentation to him, it shall be of force. It shall be sufficient to present to the mayor a transcript of all resolutions for the mere payment of money. The city clerk shall make a certificate of the time when an ordinance or resolution, which the mayor has neglected for ten days to approve or return, was presented to the mayor, which certificate shall be entered upon the journals of the common council, and shall be presumptive evidence of the facts therein stated.

Ordinances, etc. to be presented to mayor

Approval or disapproval thereof.

Vote required to pass same over veto.

Ordinances, etc., not returned to be of force.

Certificate of presentation.

§ 19. Whenever the owner or occupant of any lands shall omit to do any act required by ordinance to be done by him in front of or upon such lands, the city may cause such act to be done, and, in addition to the fine, may recover by action, of such owner or occupant, the cost of doing the act, or may assess the same upon such lands.

City may cause required acts done.

§ 20. A fine for violating any ordinance enacted under the authority conferred by this act may be prescribed in the ordinance, not exceed-

Fines for violation

of ordi-
nances.

Civil ac-
tions to
recover
fines.

Ordinances
may pro-
vide for
fine or im-
prison-
ment.

Arrest
without
process.

Publica-
tion of
ordi-
nances.

Actions to
recover
fines,
how
brought,
etc.

First pro-
cess in
municipal
court.

Executions
upon judg-
ments for
fines, etc.

Imprison-
ment.

Proceed-
ings in
violations,
punishable
by impris-
onment

Release of
liabilities
to city.

Remission
of fines,
etc.

ing two hundred and fifty dollars. The ordinance may prescribe that the fine for its violation shall not be less nor more than a certain sum; in which case, the amount of penalty shall, within said bounds, be fixed by the court or officer before whom the matter shall be tried. A civil action may be maintained to recover a fine imposed by any ordinance enacted under the authority conferred by this act.

§ 21. An ordinance, passed under subdivision three of section seventeen of this act may provide that any person, upon conviction of a violation thereof, shall be fined or committed to the Erie county penitentiary for such time as the court or officer before whom such person was convicted shall fix, not exceeding six months, in case the person convicted of such violation is fined and does not immediately pay such fine, he may be committed to the Erie county penitentiary for the term of one day for each and every dollar of said fine not paid. Such ordinance may authorize the arrest, by any person, without process, of any one violating or attempting to violate such ordinance, in the presence of such person.

§ 22. All ordinances shall be published in the official paper daily for one week. An ordinance imposing a penalty shall not take effect until ten days after its first publication in the official paper.

§ 23. Actions to recover fines incurred under this title or the ordinances enacted pursuant to it, shall be brought in the name of the city. In the complaint in such action, it shall be sufficient to allege, generally, that the defendant has violated the provisions of said title or ordinance, stating the provisions thereof of which a breach is claimed, and the amount for which judgment is demanded. The defendant may deny that he is guilty and give in evidence any special matter under such denial.

§ 24. If the action be brought in the municipal court of Buffalo, the first process may be a warrant or summons. If a summons, it may be returnable in not less than one nor more than six days, and shall be served at least one day before the time of appearance mentioned therein.

§ 25. Execution upon judgment for fine may issue immediately, and shall command the officer to whom it shall be directed and delivered, if the judgment and his fees shall not be immediately paid, to take the body of the defendant and deliver him or her, with a copy of the execution, to the keeper of the Erie county penitentiary; and said keeper shall confine such defendant in said penitentiary for the term of one day for each and every dollar unpaid upon said judgment, not exceeding six months, except in cases where judgment for a fine or penalty is recovered against a corporation, in which case an execution against the property of such corporation may issue for the collection of the amount of such judgment and costs.

§ 26. When an ordinance provides that a person convicted of breach of it may be sentenced to confinement in the penitentiary, the person charged with a violation of such ordinance shall be proceeded against in the way provided by law for proceeding against persons charged with the commission of a criminal offense.

§ 27. No liability for the breach of any bond or undertaking required by this act shall be released. Other liabilities to the city may be released by a resolution of the common council passed by a unanimous vote of all the members elected to each board when approved by the mayor; but fines and penalties incurred under this title or any ordinance may be released or remitted by a resolution of the common

council passed by a vote of two-thirds of all the members elected to each board when approved by the mayor.

§ 28. The common council by a vote of two-thirds of all the members elected to each board, may permit the track of a steam railroad to be laid in, along or across any street or public ground, except parks and park approaches, but such permission shall not take effect until the just compensation, to which the city shall be legally entitled, shall have been agreed upon between the common council and the railroad company and paid, or shall have been ascertained and paid in the manner provided by the laws of the state regulating the condemnation of land by railroad companies. Nothing in this section shall prevent the common council, by a vote of two-thirds of all the members elected to each board, from permitting the track of a street railroad used solely for the transportation of passengers within the city, to be laid in, along or across any street or public ground, except parks and park approaches, subject to the provisions of any law then existing in relation thereto.

Permission to lay steam railroad track.

Not to affect permission to lay street railroad track.

§ 29. The city shall have the exclusive power to establish ferries and tunnels within the city, and may license and regulate or prohibit those now established therein.

Ferries and tunnels.

§ 30. Whenever any building, fence or other structure of any kind, or any part thereof, is liable to fall down and endanger persons or property, the common council may order the owner of the building, fence or structure, or the owner or occupant of the premises on which such building, fence or other structure stands, to take the same down, or any part thereof, within such time as it may direct. In case the order be not complied with, it may cause the removal to be made, and the expense to be assessed on the land on which the structure stood.

Removal of dangerous buildings, fences, etc.

§ 31. The chairman of any committee of either of the boards composing the common council, shall have power to issue subpoenas for witnesses to appear, or to produce books and papers before the committee, to administer oaths to witnesses, and to examine them and such books and papers. If any person duly subpoenaed as a witness should not appear, or appearing, shall refuse to testify, or to produce such books and papers, the committee may report the failure of the witness to appear, or his refusal to testify, or to produce such books and papers to the board which appointed it. The said board may thereupon report such offending witness to any court of record or judge thereof, and said court or judge may make an order as to the future appearance of the witness, or the production of such books and papers, and punish any failure to comply therewith as a contempt of court.

Chairmen of committees may subpoena witnesses.

Proceedings upon refusal to appear and testify.

§ 32. The common council shall on or before the first day in September of each year divide the wards into convenient election districts of not more than three hundred electors, and on or before the first Monday in October of each year designate the place of holding the polls in each district, and fill vacancies in the office of inspectors of election. In filling vacancies in the office of inspectors of election the board of aldermen shall select persons from the same political party to which the inspectors belonged whose offices were vacated. Nothing herein contained shall be deemed in any manner to repeal or limit the operation of the general election laws of the state.

Election districts and polling places.

Vacancies in inspectors.

General law not affected.

CHAPTER II.

THE CITY CLERK.

- Election of clerk.** § 33. On the first Monday of January, of each year, or as soon thereafter as practicable, the common council shall by joint ballot in joint session of both boards, a quorum of each board being present, elect a city clerk, who shall be the clerk of the city and the clerk of the common council. He shall hold his office until his successor shall be appointed and has qualified.
- Term.**
- Appoint-ments.** § 34. He shall appoint, and may at pleasure remove, a deputy and such other subordinates as may be allowed him by ordinance.
- General duties.** § 35. He shall, under the direction of each board composing the common council, make up the journal of the proceedings of each board respectively, and shall publish the same in the official paper as provided in section ten of this act. He shall prepare and sign all warrants on the treasury, and keep an account of them in books kept for that sole purpose. He shall countersign all licenses issued by the mayor, and keep in proper books full minutes thereof. No such license shall be valid until countersigned by him.
- Payments to treasurer.** § 36. He shall receive and pay over weekly to the treasurer all moneys which by any law are paid to the clerk of the city, and make a report thereof at the same time under oath to the comptroller.
- When deemed town clerk.** § 37. Whenever a ward is, for any purpose, to be regarded as a town, the city clerk shall be deemed to be the town clerk thereof.
- Notice to officers elected, etc.** § 38. He shall, as soon as practicable, notify in writing every officer of his election or appointment, and of the amount of his official bond or undertaking.
- Filing of oaths and bonds.** § 39. All officers, before they enter upon their offices, shall subscribe and take the oath of office prescribed by the constitution, and file the same with the bond or undertaking required of them with the city clerk, unless otherwise prescribed in this act. If any officer shall neglect for ten days after such notice to take and file with the city clerk his oath of office, or his official bond or undertaking, the common council may declare the office vacant.
- Report of neglect to file oaths, etc.** § 40. The city clerk shall report all officers who shall neglect to file their oath of office, or bond or undertaking as required by this act or by ordinance to the board of aldermen at its next meeting after such default.
- Record of ordinances.** § 41. The city clerk shall make and sign a record, in a book to be provided for that purpose, of every ordinance enacted by the common council, and of the time of its first publication; and such record, or a copy thereof, authenticated by the mayor, under the seal of the city, shall be presumptive evidence of the due passage of such ordinance, of the due publication thereof, and of the time of the first publication. Printed books of the ordinances, published, or purporting to have been published, by the order of the common council, shall be presumptive evidence of such ordinances; and that they have been regularly enacted and published, as required by this act, prior to the printing of them in such book.
- Printed books, evidence.**
- Records of streets and alleys.** § 42. The city clerk shall keep the records of all streets and alleys now or hereafter established in the city. The copies of the records of certain streets, roads and highways of the city, which were formerly in the town of Buffalo, and which have been entered in a book of record of said city, and verified by the oath of Henry Lovejoy, surveyor, shall have the same force in evidence as the original. A certified copy

of any record of any street or alley shall be presumptive evidence of the existence of the street or alley.

TITLE III.

THE EXECUTIVE DEPARTMENT.

CHAPTER I.

THE CITY OFFICERS.

§ 43. The executive and administrative powers of the city shall be vested in the mayor, the heads of departments hereinafter named, and such other officers as shall, from time to time, be created by law or elected or appointed by virtue of this act. Executive powers, how vested.

§ 44. There shall be the following departments:

City departments.

- (1.) Department of finance.
- (2.) Department of assessment.
- (3.) Department of law.
- (4.) Departments of police and excise.
- (5.) Department of health.
- (6.) Department of fire.
- (7.) Department of public works.
- (8.) Department of parks.
- (9.) Department of public instruction.
- (10.) Department of poor.

§ 45. The mayor, comptroller, corporation counsel, treasurer, assessors, one commissioner of public works, judges of the municipal court, superintendent of education, police justice, justices of the peace and overseer of the poor, shall be elected, and all other officers shall be appointed as herein provided. Elective officers.

§ 46. No person shall be eligible to any city office unless he is an elector of the city, except as hereinafter expressly provided. Eligibility to office.

§ 47. The mayor, comptroller, corporation counsel, treasurer, superintendent of education, commissioners of public works and overseer of the poor shall each hold office for the term of three years, the police justice and justices of the peace for the term of four years, the assessors for the term of five years, and the judges of the municipal court for the term of six years. Terms of office.

§ 48. The comptroller, treasurer, superintendent of education, police justice, justices of the peace, overseer of the poor, corporation counsel, commissioners of public works, shall execute and file with the city clerk a bond or undertaking to the city, with sureties in such sum as shall be fixed by ordinance, conditioned for the faithful performance of the duties of their respective offices, and for the accounting for and payment to the city of all moneys belonging to the city received by them, and shall when required by the common council, execute and file a new bond or undertaking. All other officers and persons elected or appointed by authority of this act may, by ordinance, be required to give a like bond or undertaking. The bond or undertaking of the comptroller shall contain the further condition that he will pay over to the persons entitled to it the money paid to him to redeem lands sold for taxes and assessments. Official bonds.

Condition in comptroller's bond.

CHAPTER II.

Mayor, his powers and duties.

§ 49. **THE MAYOR.**—The mayor shall be the chief executive officer of the city, and shall maintain peace and good order, and enforce the laws therein. He shall see that the duties of the various city officers are faithfully performed. He shall have power to investigate their acts, have access to all books and documents in their offices, and may examine them and their subordinates on oath. He shall have power to issue subpoenas for witnesses to appear before him and testify upon such investigation, and to produce before him books and papers, and may administer oaths to such witnesses and examine them and the books and papers produced by them. If any such officer or his subordinates, or any such witnesses shall refuse to appear or to produce such books or papers, or appearing shall refuse to testify, the mayor may report such refusal to any court of record, or a judge thereof, and such court or judge may make an order for the future appearance of such person, or the production before the mayor of such books and papers, and punish any disobedience of such order as a contempt of court. The evidence given by persons so examined shall not be used against them in any criminal proceedings. He shall have power to suspend or remove any officer, except officers whose removal is otherwise provided for by law, whether elected or appointed, for misconduct in office or neglect of duty. The grounds for such suspension or removal shall be stated in the order therefor, and no removal shall be made without reasonable notice to the officer complained of and an opportunity given him to be heard in his defense.

Suspension or removal of officers.

Custody of seal, etc.

§ 50. He shall have the custody of the seal of the city, and shall authenticate the acts of the common council, and all instruments and papers authorized so to be authenticated.

Appointment of secretary, clerk, etc.

§ 51. He may appoint, and at pleasure remove, a secretary and a license clerk, and such other subordinates as may be authorized by ordinance. A policeman shall be detailed to attend him and execute his orders.

Issuing of licenses.

§ 52. He shall, except as otherwise herein provided, issue all licenses authorized by the ordinances of the city, and shall receive the sums fixed therefor, pay them weekly to the treasurer, and at the same time report them to the comptroller. He may, upon reasonable notice to the person complained of, hear any complaint against any person to whom he has issued a license, and may issue subpoenas and compel the attendance of witnesses to testify on such hearing, and may annul such license or suspend it. He shall file a copy of his determination with the city clerk within twenty-four hours after it is made.

Hearing of complaints.

General duties.

§ 53. He shall perform such other executive duties as may be by ordinance or provisions of law devolved upon him, and shall recommend to the common council such measures as he may think expedient. He shall appoint all officers, agents and servants whose election or appointment is not in this act otherwise definitely prescribed.

Appointment of officers.

Designation of mayor pro tempore.

§ 54. If the mayor shall be unable to perform the duties of his office in consequence of sickness or temporary absence from the city, he may designate an alderman or councilman to act in his place; if he shall be so incapacitated for more than ten days, without making such designation, the board of aldermen may do so. The person so designated shall perform the duties of the mayor until the mayor shall resume them. An alderman or councilman while performing such duties shall not act as a member of the common council.

§ 55. Nothing in this act contained shall be deemed to affect or limit the application to the city of Buffalo, of the provisions of chapter four hundred and ten of the laws of eighteen hundred and eighty-four, entitled "An act to amend chapter three hundred and fifty-four of the laws of eighteen hundred and eighty-three, entitled 'An act to regulate and improve the civil service of the state of New York,' and the acts amendatory thereof and supplementary thereto," or any other general laws pertaining to the civil service. All expenses of executing said laws shall be deemed expenses of the mayor's department, and a sufficient sum therefor shall be included in the annual estimates.

Civil service laws not affected.

Expenses of executing said laws.

TITLE IV. -

CHAPTER I.

DEPARTMENT OF FINANCE.

§ 56. There shall be a department of finance consisting of two offices, viz; the comptroller's office of which the comptroller shall be the head, and the treasurer's office of which the treasurer shall be the head.

Department of finance.

§ 57. COMPTROLLER AND TREASURER.—The comptroller shall superintend the fiscal concerns of the city and manage the same pursuant to law and the ordinances of the city and shall be its chief fiscal officer. He shall keep an account of all warrants drawn on the treasury, and countersigned by him, in a book to be kept for that purpose. He shall keep full and accurate books of account, and shall countersign all receipts given by the treasurer, and charge the treasurer with the amount thereof. When money is paid to him to redeem lands sold for taxes and assessments, he shall, when the certificate of sale belongs to the city, pay the same into the treasury. He shall daily pay to the treasurer all moneys received by him belonging to the city. He shall deposit all money so paid to him, when the certificate of sale does not belong to the city, in one of the savings banks of the city in trust for those holding such certificates. He shall pay over to his successor in office all moneys remaining in his hands or under his control drawn from the city treasury to pay interest on or principal of the loans of the city, and all moneys received by him as comptroller for any other purpose whatever.

Comptroller, his duties.

Payment of moneys to successor.

§ 58. The comptroller, by and with the advice and consent of the common council, shall appoint an auditor, who shall have power, and it shall be his duty to examine and report upon all accounts or claims against the city for work, labor, services, merchandise or material furnished the city before the same shall be audited and ordered paid by the common council. He shall ascertain, before reporting upon any such accounts or claims, that the work, labor, services, merchandise or material charged for in such account or claim have been actually furnished to and received by the city; that the prices charged are in accordance with the contract or agreement therefor, and that such prices are reasonable and just, and shall make a certificate to that effect upon each and every such account or claim. The common council shall not audit nor order paid any such account or claim against the city, unless the same shall have been so examined, certified and reported upon by the auditor. The auditor shall have power and authority to issue subpoenas to compel the attendance of witnesses and

Auditor, his appointment and duties.

Claims not to be audited unless examined by.

May subpoena witnesses, etc.

the production of books and papers upon the examination before him of any account or claim against the city, and is authorized and empowered to administer oaths and affirmations to any person summoned and appearing on any such examination. Any willful and corrupt false swearing by any witness or person to any material fact on such examination shall be deemed perjury and be punished in the manner now prescribed by law for that offense; in case any person shall fail or refuse to obey such subpoena, or refuse to take, when required, the proper oath or affirmation, or to produce such books and papers, or shall refuse to answer any proper question, the auditor may apply to a judge or justice of any court of record within said city for a subpoena to compel the attendance of such person, or the production of such books and papers before a judge or justice of said court to be examined respecting such account or claim. Thereupon the judge or justice shall direct the issue of a subpoena. The person so subpoenaed shall be examined before such judge or justice. Any person refusing or failing to appear and testify, or to produce such books and papers upon such examination when duly subpoenaed shall be deemed guilty of a contempt of court and punished accordingly. Persons so subpoenaed shall be entitled to the fees now allowed by law to witnesses in actions, but no claimant shall be entitled to any fees. The auditor shall keep books in which shall be entered all accounts and claims against the city presented to him for audit, together with a note of the action taken by him on each; he shall have authority to employ one clerk, and as many more as shall be from time to time authorized by the common council.

Penalty for false swearing.

Proceedings upon refusal to appear and testify.

Fees of witnesses.

Audit book.

Clerks.

Treasurer, his duties.

Weekly statement.

Money, how drawn from treasury.

Cancellation of warrants.

Payments from proper funds.

Receipts.

Treasurer, when deemed guilty of larceny.

§ 59. The treasurer shall receive all money belonging to the city and keep an accurate account of all receipts and expenditures. He shall daily deposit all money received by him in the banks designated by the common council, subject to his own check when the same shall be countersigned by the comptroller. He shall not check out any money so deposited, except to satisfy a warrant upon the treasury, or to transfer it, on the direction of the common council, to another deposit bank. He shall render a weekly statement in detail, under oath, to the comptroller of the money received and disbursed by him, specifying the funds on account of which, and the sources from which received, and the accounts for which such disbursements were made.

§ 60. Money shall be drawn from the treasury only upon warrants authorized by the common council, and signed by the mayor and city clerk, and countersigned by the comptroller; each warrant shall specify the purpose for which it is drawn, and the fund out of which it is payable.

§ 61. The treasurer, when he pays a warrant on the treasury, shall cancel it, and it shall not be reissued. A violation of this section shall be a misdemeanor.

§ 62. He shall, upon the presentation of a warrant on the treasury to him for payment, pay it, if there be sufficient funds in the treasury to the credit of the fund out of which it is payable. He shall prepare and sign a receipt for any money paid into the treasury. He shall procure such receipt to be countersigned by the comptroller, before he shall deliver it to the person entitled to receive it.

§ 63. The treasurer, upon conviction of having lent, or deposited in a bank not designated by the common council, or unlawfully appropriated to his own use, any money of the city received by him, shall be deemed guilty of larceny.

§ 64. No one but the treasurer shall receive any money for the city, except fines and judgments recovered, unless authorized by this act or by special resolution of the common council.

Treasurer
to receive
city
moneys.

CHAPTER II.

§ 65. GENERAL FUND. — The fiscal year shall begin on the first day of July.

Fiscal year.

§ 66. The comptroller shall, on or before the first day of April in each year, present to the common council a detailed statement of the financial condition of the city. In such statement the available resources of the city and its liabilities falling due within the next fiscal year shall be separately stated. It shall show the receipts and expenditures of the preceding year, and the condition of the general and local funds.

Annual
financial
statement
of comp-
troller.

§ 67. The heads of the different departments and such officers as the comptroller may request, shall on or before the first day of February deliver to the comptroller a full and detailed estimate of the expenses and the amount of money required in their respective departments and offices for the next fiscal year.

Estimate
of expen-
ses of de-
partments.

§ 68. The comptroller, on or before the first day of March in each year, shall also present to the board of aldermen an estimate of the amount necessary to be raised by general tax to carry on the city government, and to meet all the expenses and liabilities of the city for the next fiscal year, specifying in detail, and under separate and appropriate heads, the amount estimated for each department, or each office, or other purpose. In such estimate shall be included at least one hundred thousand dollars of the principal, and the interest of the bonded debt of the city, due or to fall due within the next fiscal year.

Annual
estimate
of comp-
troller to
aldermen.

Amount
for bonds.

§ 69. Such estimate shall be entered at large upon the journal.

Record of
estimate.
Action
thereon by
council.

§ 70. After the expiration of one week from the presentation of such estimate, the board of aldermen shall proceed to consider the same, and, by a vote of two-thirds of all the members elected, may alter or amend the same; and shall, on or before the first day of April, finally pass upon it, and at once report its action to the board of councilmen, which shall pass thereon, and may alter or amend the same by a vote of two-thirds of all its members elected. The estimate of the comptroller shall stand as to all items not altered or amended by both boards before May first. The estimate, as made by the comptroller, or as altered or amended by the common council, may be adopted by a majority vote of each board, and, if altered or amended, shall, upon its adoption, be entered at large upon the journal of each board. But the sum of one hundred thousand dollars to be applied to the payment of the principal of the bonded debt of the city, and to no other purpose, shall be included in such estimate as adopted by the common council.

Adoption
of estimate.

Amount
for bonds
to be in-
cluded.

§ 71. The sum total of the adopted estimate shall be raised by general tax.

General
tax.

§ 72. In such estimate may be included a sum not exceeding five thousand dollars for the celebration of the Fourth of July, and the reception of distinguished persons.

Fourth of
July and
receptions.

§ 73. The expenditures for each department, office or other purpose during the fiscal year, shall be kept within the estimate made for it, except that in cases where the mayor, comptroller and treasurer shall certify in writing that a greater amount than provided for in the estimates is necessary in any department of the city, the expenditures in

Expendi-
tures not to
exceed
estimate.

Increase
of expen-
ditures in
certain
cases.

Contracts
creating
liability,
how autho-
rized.

Depart-
ments
credited
and
debited.

Contracts
beyond
balance
and li-
abilities
created not
binding.

Liaosity of
treasurer.

Estimate
by comp-
troller to
present
council.

Amount
thereof,
how raised.

Estimate
to stand
unless, etc.

any such department may be increased by the amount so certified by a two-thirds vote of the members elected to each board composing the common council, which vote shall be taken by calling the yeas and nays, and shall be entered upon the journals of the common council. The amount of such increased expenditure shall be included in the estimate for the ensuing year, as adopted by the common council, and may be temporarily borrowed on city certificates of indebtedness or met by the issue of bonds payable on the first day of July of the year next succeeding their issue. No contract shall be authorized by the common council, creating a liability to be paid out of the general fund, unless a majority of the members elected to each board composing the common council shall vote in favor thereof, which vote shall be taken by calling the yeas and nays, and shall be entered upon the journals of the common council. For the purposes of this section, each department, office, or other purpose, shall be credited with the amount included in the estimate for it; and it shall be debited with the salaries, and the certain and fixed sums to be paid out of it; and the other expenditures shall not exceed the balance remaining of the estimate. Contracts made in any form or manner, for an amount exceeding such balance, except contracts for the expenditures in excess of the estimates authorized hereby, shall not be binding on the city beyond such balance, and the excess may be recovered of the members of the common council, jointly or severally, who voted in favor thereof. When liabilities to the amount of such balance shall have been created, all contracts, made in any form or manner, for further expenditures or liabilities, shall not be binding on the city, but may be enforced against the members of the common council, jointly or severally, who voted therefor. If the treasurer shall pay a warrant on the treasury, drawn in violation of this section, he shall not be credited with the amount paid upon such warrant.

§ 74. On or before the first day of April, eighteen hundred and ninety-one, the comptroller shall send to the present common council an estimate in detail of the amount necessary to carry on the city government and to meet all the expenses and liabilities of the city for eighteen months from and after the first day of January, eighteen hundred and ninety-one. Such estimate shall show separately the amount necessary to carry on the city government, and to meet the expenses and liabilities of the city for the first six months of said period, less the amount to the credit of the several funds on the said first day of January. The common council may, by a vote of two-thirds of the members elected, alter or amend such estimate. The sum total of the amount of the estimate as adopted by the common council shall be raised as follows, to wit: The amount estimated for the fiscal year, beginning July first, eighteen hundred and ninety-one, shall be raised by a general tax upon the taxable property of the city, and the amount estimated for the six months beginning January first, eighteen hundred and ninety-one, shall be raised by the issue and sale of the bonds of the city, bearing interest at a rate not exceeding three and one-half per centum per annum, payable semi-annually, the principal to be paid one-tenth thereof in the year eighteen hundred and ninety-two and one-tenth thereof in each year thereafter until the whole amount thereof shall be paid. An amount necessary to pay the principal and interest of such bonds falling due in each year shall be included in the general tax levy of such year. The estimate of the comptroller under this section shall stand as to all items not altered or amended by the

common council before the first day of May, eighteen hundred and ninety-one.

§ 75. As soon after the adoption of any estimate as shall be practicable, the comptroller shall apportion said tax upon the taxable property within the city, as set down in the assessment-rolls of the year filed with him; and shall set down in a column, to be prepared for that purpose in said rolls, opposite to the several sums set down on said rolls as the valuation of real and personal estates, the respective sums in dollars and cents to be paid as a tax thereon. He may correct any clerical errors in said rolls. He shall, on the first day of June, or as soon thereafter as practicable, deliver said rolls to the treasurer. He shall, before delivering such tax-rolls to the treasurer, enter thereon, in a column to be prepared for that purpose, opposite to each lot of land, the aggregate amount of all local assessments thereon, with the additions returned to him on or before the first day of May of that year as unpaid.

Comptroller to apportion tax.

Delivery of rolls to treasurer.

Rolls to include local assessments.

§ 76. Upon the receipt of said rolls, the treasurer shall give notice, by publishing the same in the official paper, and by posting the same in six public places in each ward, that the general tax-rolls have been received by him, stating the day on which they were received, that they will remain in his hands until the first day of March following, and that payment of the taxes and assessments thereon may be made to him at any time before the expiration of thirty days from the time the said rolls were received by him, without additions; that at the end of said thirty days, an addition of one per centum upon every unpaid tax and assessment will be added thereto; that a like addition of one per centum will be made every fifteen days thereafter until the first day of November following, and that thereafter all taxes and assessments will be charged with interest at the rate of twelve per centum per annum on the first day of each month until the same are paid, together with five per centum collector's fees, if a warrant for levy and sale is issued on or after November first. And such additions, interest and fees shall be charged accordingly.

Notice of receiving taxes.

Percentages to be added

§ 77. The city may recover by action the amount of every tax with the additions and interest unpaid on the first day of November aforesaid, with interest thereon at the rate of twelve per centum per annum, and the further sum of five per centum upon the amount of such tax, interest and additions, from the persons liable to pay the same, which shall remain unpaid for more than five months after the delivery of the rolls to the treasurer. Such action shall be brought by the treasurer in his name of office. The judgment obtained in such action, when docketed in the office of the clerk of Erie county, shall have priority over any other lien or incumbrance upon or transfer of the property charged with the tax for which such action was brought, and every purchaser or incumbrancer of said property, whose incumbrance, lien or transfer shall have been recorded before the commencement of the action, shall be made a party to said action.

Actions for collection of taxes.

How brought.

§ 78. In case any taxes contained in said rolls shall not be paid before the first day of November aforesaid, and no action for the collection of the same be commenced, the treasurer may issue warrants containing transcripts of the taxes and assessments appearing on the rolls unpaid, with additions and interest, provided he has reasonable grounds for believing that the person or corporation against whom the tax stands unpaid has goods and chattels liable to levy and sale for such tax.

Warrants for collection of taxes.

§ 79. Such warrants shall be directed to such person or persons as

To whom directed.

the treasurer shall appoint collector or collectors of unpaid taxes and assessments.

Bond of
collectors.

§ 80. Before receiving such warrant or warrants, each collector shall file with the comptroller a bond or undertaking to the city, in a sum to be therein specified, not less than double the amount of warrants placed in his hands for collection, with sureties to the effect that such collector will faithfully perform his duties, and account for and pay over all moneys collected by him upon any warrant or warrants placed in his hands for collection.

Condition
therein.

§ 81. The bond or undertaking filed by each collector shall also contain a condition that any person aggrieved by said collector in the execution of any warrant delivered to him, may sue thereon, in his own name, in the same manner as though he had been mentioned in said bond or undertaking.

Restriction
on delivery
of war-
rants.

§ 82. The treasurer shall not deliver to any collector a warrant or warrants authorizing the collection or receipt by him of taxes and assessments exceeding one-half of the amount specified in the bond or undertaking filed by him.

Interest,
how com-
puted.

§ 83. Interest on taxes and assessments shall not be computed for less than one month, and shall be computed up to the first day of the month following the day of payment.

Payments
by col-
lectors.

§ 84. Each collector shall make immediate payment to the treasurer of the amount of taxes and assessments collected by him and report the same under oath to the comptroller.

Liability
of col-
lectors and
sureties.

§ 85. Upon the delivery of a warrant or warrants to a collector, the treasurer shall charge the total amount thereof to him, and such collector and his sureties shall be liable for such amount and the interest thereon, and if said collector is not able to collect the taxes described therein, he shall return the warrant within thirty days after receiving it, with an affidavit that he has not collected the whole or any part thereof, or been able to find any goods or chattels out of which to make the same, and the treasurer shall credit him with the amount of the warrant or warrants.

Return of
warrants.

Warrants,
how made
out

§ 86. The warrants issued by the treasurer for the collection of unpaid taxes and assessments, together with additions, shall be directed to a collector or collectors, by name, commanding him or them to collect and make the several taxes and additions above specified with interest on each tax from the first day of November aforesaid, at the rate of twelve per centum per annum, together with fees, out of the goods and chattels of the person, corporation or association, opposite to whose name each tax is set down, by a levy and sale thereof, and make return thereon within thirty days.

Collector
may re-
ceive pay-
ment of
taxes.

§ 87. Upon the receipt of such warrant by a collector, he shall demand and may receive payment of the taxes and assessments named therein with interest on the same at the rate of twelve per centum per annum from the first day of November aforesaid, together with additions and his fees. He shall make the amount of the several taxes with the additions and interest set opposite to the respective names in such warrant (but not of the assessments), out of the goods and chattels of the person, corporation or association, opposite to whose name such taxes are set down, together with his fees, by a levy upon and sale thereof.

May collect
same by
levy and
sale.

Collector's
sales, and
how noti-
fied.

§ 88. Sales by virtue of tax warrants shall be at public auction, and six days' notice of the time and place thereof shall be given by the collector by posting it in three public places in the ward or wards in which such sales are to take place.

§ 89. Such warrants may be executed in any part of the city, and goods and chattels in the possession of the person opposite to whose name the taxes are set down shall be deemed to belong to such person, and no claim of property made thereto by any other person shall be available to prevent a sale.

Warrants, how executed.

§ 90. If the goods or chattels levied upon shall sell for more than the tax, additions, interest and fees, the surplus shall be paid over by the collector to the person to whom the tax for which they were sold was assessed. If before such payment any other person shall claim such surplus, and such claim shall be disputed, the collector shall pay such surplus into the superior court of Buffalo, by delivering the same to the clerk thereof, with a statement of the dispute; and such court shall ascertain who is entitled to such money, and order its payment to him.

Surplus upon collector's sale, disposal of.

§ 91. On the first day of March, after the receipt of the general tax-rolls, the treasurer shall return said rolls to the comptroller, with his affidavit attached thereto, that the uncanceled taxes and assessments therein are unpaid, and that he has not been able to collect the same, and the comptroller shall credit him with such returned taxes and assessments.

Return of roll, with affidavit of unpaid taxes.

§ 92. Taxes and assessments can be paid to the treasurer at any time before the rolls are returned to the comptroller, but if a warrant has been issued for their collection, the fees to which the collector would have been entitled if he had made the collection, which are hereby fixed at five per centum on the amount of taxes, assessments, additions and interest shall be added, and when collected shall belong to the city. Such taxes and assessments may also be paid to the comptroller with additions and interest, at any time after the return of the rolls to him and before sale, with the addition of one dollar for expense of publication.

Payment of taxes before return of roll.

Fees of collectors.

CHAPTER III.

LOCAL FUNDS.

§ 93. The comptroller, on the delivery to him of a local assessment-roll, shall enter the name of the same and the total amount thereof in his books. He shall publish a notice in the official paper stating that the assessment-roll, naming and describing it, has been received by him, and that it will be held by him for two weeks, after which it will be delivered to the treasurer. After the expiration of said two weeks, he shall deliver said roll to the treasurer unless, in the mean time notice has been served on him, pursuant to law, that a writ of certiorari has been issued or has been applied for or an action has been begun to review said assessment-roll or to test the legality thereof, in which case he shall hold the said assessment-roll for two additional weeks, and shall, after the expiration of said additional time, deliver said assessment-roll to the treasurer, unless the court or the common council shall order him to return the said assessment-roll to the common council, or the proceedings to collect or enforce said assessment-roll are stayed by the court.

Duty of comptroller.

Notice of receipt of roll.

Delivery of rolls to treasurer.

§ 94. The treasurer, upon the receipt of such assessment-roll, shall cause the same to be properly indexed in a book to be kept by him for that purpose, and when the work for which said roll was made shall actually begin, shall publish a notice in five successive numbers of the official paper, that such roll, naming it, has been received by him, and that any assessment therein may be paid to him at any time before the

Duty of treasurer.

Notice of receipt of roll, etc.

Notice of beginning work.

expiration of one month from the first publication of the notice, without any addition. The department having the work in charge shall notify the treasurer of the beginning of any work.

Persons-taxes added to unpaid assessment.

§ 95. Upon the expiration of one month from the first publication of such notice, the treasurer shall add one per centum to each of the unpaid assessments in such roll, and a like percentage shall, at the end of every month thereafter, while the roll remains in his hands, be added to each unpaid assessment.

Method of paying.

§ 96. The method of paying such assessment shall be the same as that prescribed for the payment of taxes of the general tax roll.

Retention of roll by treasurer.

§ 97. The treasurer shall retain each local assessment-roll, so that at all times payments may be made thereon, until the assessment is added to the general roll.

Assessments added to general roll, effect of.

§ 98. All local assessments, when added to the general roll, shall be liens to the same extent as taxes levied in the general roll, and the same interest be payable upon them and the same remedies and methods of collection shall apply to them as to such taxes under this act, except as herein otherwise provided.

Assessments, when liens.

§ 99. Every assessment for local improvements shall become a lien upon the property assessed, upon the first publication, by the treasurer, of the notice that he has received the roll containing such assessment.

Actions to test legality of assessments.

§ 100. An action may be brought in any court having jurisdiction thereof to determine the legality of an assessment for local improvements, and in such action the owner of a separate parcel of land may unite with one or more of the owners of other parcels assessed or attempted to be assessed, in the same assessment-roll. Such an action may be brought at the same time as, or after a writ of certiorari is granted, pursuant to the next section, or while such certiorari proceeding is pending, but it must be brought within one year after said assessment shall have become an actual or apparent lien upon the property assessed. Such an action may be brought and maintained, although the party or parties plaintiff shall not have applied to the board of assessors to correct, amend or revise the said assessment, and shall not have filed any objections to the said assessment-roll; and although the parties plaintiff, or some of them, have paid their assessments upon the said assessment-roll, in which case the parties who have so paid may ask for, and in a proper case the court may order restitution of the amounts paid by them with interest. But in such an action no relief shall be granted to the plaintiffs based upon any defects, irregularities or errors in the said assessment-roll which could have been reviewed and corrected by a writ of certiorari issued pursuant to the next section.

When may be brought, etc.

Relief not to be granted in certain cases.

Writ of certiorari, granting of, upon application.

§ 101. A writ of certiorari may be granted to review and determine the legality of an assessment for local improvements by any court of competent jurisdiction upon the application of any person or persons aggrieved thereby. The owner of a separate parcel of land may unite with one or more owners of other parcels of land assessed or attempted to be assessed in the same assessment-roll in the application for such writ. Such writ shall be applied for in the form and manner, and the subsequent proceedings thereupon had shall comply with the provisions of article seven, of title two of chapter sixteen of the Code of Civil Procedure, relating to the writ of certiorari to review the determination of an inferior tribunal, except as is in this section expressly otherwise provided.

Code of civil procedure, applicable.

Not to be entertained

1. No such application shall be entertained unless the persons making the application, or some of them, shall have previously made com-

plaint in relation to such assessment to the board of assessors, pursuant to law, or shall have filed objections to such roll with the city clerk pursuant to law; but the proceeding to review such assessment by writ of certiorari shall not be confined to any grounds of complaint or objection which were presented to the said board of assessors, or in the said objections filed with the city clerk.

2. Such writ may be applied for at any time after the said assessment-roll shall have been confirmed by the resolution of the common council, although such resolution may not have been approved by the mayor, and before the expiration of two weeks from the publication by the comptroller of the notice required by this act that such roll has been received by him.

Writ, when
may be
applied
for.

3. The said writ of certiorari shall be directed to the city of Buffalo, which shall be known as the defendant. It may be served by delivering a copy thereof to the mayor or the corporation counsel, and a copy to the comptroller or his deputy, unless the court shall otherwise direct. Only one return to said writ shall be made and it may be verified by any one or more of said officers, or by any assessor of the city. The return shall not be conclusive. Upon the return being filed, the cause may be heard at a general or a special term of the court, and either party may notice it for a hearing. If upon the hearing it shall appear to the court that testimony is necessary to the proper disposition of the matter, the court may take evidence or may appoint a referee to take such evidence as the court may direct, and report the same to the court, and such testimony shall constitute a part of the proceedings upon which the determination of the court shall be made.

To whom
directed
and how
served.

Return and
hearing
thereupon.

4. The court shall have power at any stage of the proceeding to order any necessary or proper parties to be brought in by amendment, upon such terms as shall be just, and to direct how notice, if required, shall be given to them by personal service or by publication, and thereafter all parties so notified shall be bound by the proceeding, and the court shall have power to appoint an attorney to represent unknown or unrepresented parties, and to order the reasonable costs and expenses of all parties so brought in, otherwise than upon their own motion, to be paid by the city.

Parties
may be
brought
into pro-
ceedings.

Attorneys
for un-
known
parties,
etc.

5. If it is established that the assessment is illegal for any reason, the court may order that said assessment be canceled and the same shall thereupon be canceled by the comptroller and other proper officers of the city. Where it is alleged or established that the said assessment is irregular or defective on account of any imperfect description of the land sought to be assessed, or any defect or irregularity which can be corrected without prejudice to any of the parties interested therein or affected thereby, the court may order the assessment-roll so corrected or amended, or may order that the assessment-roll be returned to the common council to annul or correct it pursuant to law.

Cancel-
lation of
assess-
ments.

Correction,
etc., of
rolls.

6. The parties applying for said writ of certiorari, or any of them, may pay their assessments upon the said assessment-roll at any time, notwithstanding the pendency of said writ. In case it shall be determined that the assessment-roll is illegal for any reason, after the assessments or any of them have been paid, the court may make such orders in regard to restitution to the parties to said proceeding and to others, as shall be necessary to protect the rights of all parties, and may enforce said orders as judgments in an action.

Payments
during
pendency
of writ.

Restitu-
tion to
parties.

§ 102. On or before the first day of May in each year, the treasurer shall return each local assessment-roll not payable in installments which shall have been received by him more than two months prior to

Annual re-
turn of rolls
to comp-
troller.

such first day of May, with the additions, to the comptroller, and certify that all uncanceled assessments therein are unpaid.

Assess-
ments,
certain
divided
into install-
ments.

Install-
ments,
when due
and pay-
able.

Interest.

§ 103. When any work or improvement shall be ordered by the common council, the expense whereof shall exceed the sum of five thousand dollars and is to be defrayed by money raised by local assessment, and in any case where such work or improvement shall be the paving of a street or alley whether the expense thereof shall be more or less than five thousand dollars, the several assessments contained in any roll, made for the purpose of raising said money, shall be divided into five equal annual installments. The first installment shall be due and payable from and after the date of the first publication of the notice specified in section ninety-four of this act; and the remaining installments in one, two, three and four years from and after the date of such publication. The second, third, fourth and fifth installments shall bear interest at the rate of five per centum per annum from the date of such first publication, until they shall severally become due and payable. Monthly additions of interests shall be made to each due and unpaid installment as provided in section ninety-five of this act; commencing one month after said installment shall become due and payable.

Collection
of roll.

Return of
unpaid
install-
ments.

Collection
and return
of second
install-
ment.

Third in-
stallment.

Fourth in-
stallment.

Fifth in-
stallment.

§ 104. The treasurer shall proceed with the collection of said roll in the manner provided for other assessments, and, for such purpose, retain the roll in his possession at all times. On or before the first day of May of each year, he shall make a transcript from the rolls received by him more than two months previous thereto, of each unpaid installment which shall have become due and payable with the addition thereto, which transcript shall be delivered to the comptroller to be spread on the general roll for that year, in the manner specified in section seventy-five of this act, and the treasurer shall note on the original roll the installments so transferred. He shall continue the collection of the balance of said roll until on or before the first day of May in the following year, when he shall make a transcript of the second installment of the assessments on said roll which shall have become due and payable. He shall cause a transcript of said installment so due and payable with the additions thereon, to be delivered to the comptroller to be spread on the general tax-roll for that year, and shall note on the original roll the installments so transferred. He shall continue the collection of the balance of said roll until on or before the first day of May in the following year, when he shall make a transcript of the third installment of the assessments on said roll which shall have become due and payable. He shall cause a transcript of said installment so due and payable, with the additions thereon, to be delivered to the comptroller to be spread on the general tax-roll for that year, and shall note on the original roll the installment so transferred. He shall continue the collection of the balance of said roll until on or before the first day of May in the following year, when he shall in like manner make a transcript of the fourth installment on such roll, which shall have become due and payable. He shall cause a transcript of said installment so due and payable, with the additions thereon, to be delivered to the comptroller to be spread on the general tax-roll for that year, in the same manner as hereinbefore provided, and note on the original roll the assessment so transferred. He shall continue the collection of the balance of said roll until on or before the first day of May in the following year, when he shall in like manner make a transcript of the fifth installment on such roll which shall have become due and payable. He shall cause a transcript of said install-

ment so due and payable, with the additions thereon, to be delivered to the comptroller to be spread on the general tax-roll for that year as hereinbefore provided and note on the original roll the assessment so transferred. Annual interest shall be paid to the treasurer on all unpaid installments at the time any one of them shall become due, and said treasurer shall not receive payment of any installment after the first, unless interest then due on all installments shall be paid at the same time ; if such interest is not paid, the treasurer shall return the entire assessment to the comptroller, with all additions and interest then due in the same manner as though the assessments were payable in one installment, and the comptroller shall spread the same on the general tax-roll of the year. The treasurer may receive the whole of any assessments, with accrued interest and additions, at any time before the same is returned to the comptroller.

Payment of annual interest.

Assessment returned in case of default.

Receipt of whole of assessments.

Issue of bonds.

§ 105. Whenever any work or improvement shall be or shall have been ordered by the common council, the expense whereof shall exceed the sum of five thousand dollars and is to be defrayed in whole or in part by money raised by local assessment, and in any case where such work or improvement shall be the paving or repaving of any street or alley, whether the expense shall be more or less than five thousand dollars, the common council may, after such local assessment-roll shall have been confirmed, authorize the issue of bonds to an amount not exceeding four-fifths of said expense. Such bonds shall draw interest not to exceed four per centum per annum, and shall be payable one-fourth in one year; one-fourth in two years; one-fourth in three years, and one-fourth in four years from and after the first day of the next calendar month succeeding the confirmation of said assessment-roll. All warrants drawn in payment of any local work or improvement above specified shall be payable four-fifths out of the proceeds of such bonds, and one-fifth out of moneys collected upon the first installment of the assessment-roll made therefor. If sufficient moneys have not been realized upon the first installment of such assessment-roll to pay the warrants so drawn against said roll, or if sufficient moneys have not been realized upon any other installment to pay said bonds when the same shall be due and payable, the comptroller may temporarily borrow on the credit of the city a sum sufficient to pay the same; and all moneys thereafter realized, on account of said assessment-roll or from sales for non-payment of assessments therein, shall be used and are hereby pledged to the payment of the amount so borrowed and for the payment of such bonds. On the first Monday of each month, the board of public works shall certify to the common council the total amount of all local work or improvements performed or contracted for during the preceding month (other than for the paving or repaving of a street or alley,) and which is to be collected by local assessment upon the property benefited, and the common council may thereupon authorize the issue of bonds to such amount as it shall determine, not to exceed the amount so certified, payable at such time as shall be fixed in the resolution. Such bonds shall bear interest at not to exceed five per centum per annum, and shall be sold at not less than par. All warrants drawn in payment of any local work or improvement last above specified, shall be payable out of the proceeds of such bonds. All moneys collected upon any local assessment-roll or upon sales for non-payment of any assessments therein, shall be used and are hereby pledged for the payment of the bonds issued for the purpose of raising money for the payment of the work or improvement for which such assessment-rolls were made. The

Interest.

Bonds, when payable.

Warrants for specified improvements, how payable.

Temporary loans.

Monthly certificate of certain work performed.

Issue of bonds therefor.

Warrants, how payable.

Payment of bonds.

Monthly
certificate
of bonds
due, and
condition
of funds.

Warrants
payable
from as-
sessment
funds.

Warrants
for work
payable in
install-
ments.

Payment
of war-
rants, be-
fore due.

Notice
thereof.

Temporary
loans for
payment of
warrants.

comptroller shall, on the first Monday in each month, certify the amount of bonds, if any, falling due in that month, and the condition of the fund provided for the payment thereof, and the common council shall, upon such statement, determine the amount of bonds to be issued under the provisions of this section, and may determine that any work shall be paid for by the issue of warrants drawn against the roll made to provide a fund for payment of the same in which case warrants shall be issued as follows; when any work or improvement shall be ordered by the common council, the expense whereof is to be collected by local assessment upon the property benefited; the common council may, by resolution, direct warrants to be drawn on the treasurer in payment for the same out of the funds in his hands arising from such assessment, applicable to the payment thereof. Warrants drawn by direction of the common council in payment of any work or improvement, the assessment for which is payable in five installments, shall be drawn payable by the city on a day certain for one-fifth of the amount of such improvement in one year from date, one-fifth in two years, one-fifth in three years, one-fifth in four years and one-fifth in five years from date. Such warrants shall bear interest at five per centum from their dates. The comptroller shall direct and the treasurer shall pay warrants, with accrued interest thereon, at any time before they shall become due, if there shall be funds in his hands arising from such assessment applicable to the payment thereof, but none of such warrants shall be paid until all those which by their terms are sooner payable shall have been paid, unless he shall retain in his hands a sufficient amount to pay all such prior warrants. The comptroller shall direct, and the treasurer shall, when he shall have money in his hands applicable to the payment of such warrants, give notice in five successive numbers of the official paper (Sundays and legal holidays excepted) that he will pay all or any portion of such warrants, with accrued interest, on a day to be specified in said notice, and the interest on such warrants shall cease from and after the day specified in such notice. If there shall not be sufficient moneys to the credit of the work or improvements for which the assessment is made to pay such warrants when the same shall become due, the comptroller shall borrow on the credit of the city, if the common council shall by resolution so direct, a sufficient sum of money, which shall be deposited with the treasurer, to pay the same, and the moneys arising from said assessment shall, when collected, be applied to the payment of the amount so borrowed, and to no other purpose.

CHAPTER IV.

SALE OF LANDS FOR TAXES AND ASSESSMENTS.

Taxes and
assess-
ments,
how long
liens.

§ 106. All taxes and assessments shall be a lien upon the lands on which they are assessed for ten years from the delivery of the tax or assessment-roll to the treasurer and the first publication of notice of receipt of same, and shall have priority in the inverse order of time in which they become liens. If the proceedings to enforce such liens have been stayed by a court or judge, the period of such stay shall not be taken as a part of said ten years.

Statement
of unpaid
taxes and
assess-
ments.

§ 107. Upon the return by the treasurer of the general tax-rolls to the comptroller, he shall prepare a statement of the taxes and assessments upon lands returned by said treasurer unpaid. Such statement shall be a transcript of the rolls, and shall specify the amount of each

tax and assessment, with additions and interest to the day on which the sale is to commence, and the further sum of five per centum upon the amount of each tax, assessment, addition and interest. When there is more than one tax or assessment upon the same parcel of land, the description of such parcel shall be inserted in such statement but once. The comptroller shall also charge each parcel of land included in such statement with one dollar to cover expenses of printing and publication. All such additions, interest, fees and expenses shall be a charge on the lands sold and shall be added to and made a part of such tax.

Charge for
advertis-
ing.

§ 108. The collection of every assessment and of every tax upon real estate returned unpaid by the treasurer may be enforced by a sale of the real estate by the comptroller, while the tax or assessment is a lien. Such sale shall take place in April or May in every year.

Enforce-
ment of
tax, etc.,
by sale of
lands.

§ 109. When the returned taxes and assessments are upon the same parcel of land such parcel shall not be sold for less than the aggregate amount of them, but when they are upon parcels of different boundaries, although in part the same, each parcel shall be sold separately.

Sale in
parcels or
separately.

§ 110. The comptroller shall cause to be published twice in each week, for three weeks, in the official paper, a list or statement of the real estate charged with the payment of such taxes and assessments, with additions, fees, interest and expenses, and so liable to be sold, and also a notice that the said real estate will, on a day at the expiration of the said three weeks, to be specified in such notice, and the succeeding days, be sold at public auction to the highest bidder, at the city and county hall in the said city of Buffalo, to pay the taxes, additions, fees, interest and expenses thereon which may remain unpaid at the time of such sale; the expense of publishing such list and notices shall not exceed the sum of one dollar for each parcel of land so advertised. On the day named in said notice the said comptroller shall commence the sale of said real estate at auction to the highest bidder, and shall continue such sale from day to day until the whole thereof shall be sold; but the owner of any piece of land or his representatives may redeem the same at any time before the actual sale thereof, by paying the tax or taxes for which it is to be sold, with all accrued interest, additions, fees and expenses. It shall be the duty of the comptroller to bid in for the city all parcels of real estate at such sale which shall not be purchased by any other person at a rate sufficient to pay the taxes for which the land is to be sold, with all the accrued interest, additions, fees and expenses.

List and
notice of
sale.

Sales at
auction.

Redemp-
tion before
sale.

Lands to
be bid in
for city.

§ 111. If the real estate shall sell for more than the amount of the tax, interest, additions and expenses aforesaid, the surplus shall be paid over by the comptroller into the superior court of Buffalo, by delivering the same to the clerk thereof; and such court shall ascertain and determine who is entitled to such money; and if it shall appear that such proceedings are valid and regular, order and decree its distribution and payment to the person or persons entitled thereto. And if any of such surplus shall remain unclaimed in said court for the period of ten years, the same, with accrued interest thereon, shall, on application of the corporation counsel, and after publication of notice that such application has been made in the official paper for ten successive issues thereof (Sundays and legal holidays excepted), be paid to the treasurer of the city, and added to the local redemption fund.

Surplus
upon sales,
how dis-
posed of.

When
added to
local re-
demption
fund.

§ 112. The purchasers at such sale shall pay the amounts of their respective bids to the comptroller within forty-eight hours after the sale, and thereupon the comptroller shall execute to each purchaser,

Payment
of bids.

Certificate
of sale.

including the city, a certificate in writing, which shall contain a description of the real estate purchased, the amount paid therefor, the date of the sale and that the same was sold for unpaid city taxes and assessments. Such purchaser or his legal representatives or assigns, may, upon receiving such certificate, by virtue thereof and of this act, lawfully hold and enjoy for his and their own proper use and benefit and the use and benefit of his and their heirs and assigns forever, the real estate described in said certificate, unless the same shall be redeemed as hereinafter provided. And he and his heirs and assigns may, and at any time after the time limited in the one hundred and fourteenth section of this act for the redemption of such premises shall have expired and the notice therein provided for been given, and said premises shall not have been redeemed as therein provided, and not before, obtain actual possession of the premises by an action at law or by causing the occupant of such real estate to be removed therefrom and the possession thereof to be delivered to him in the same manner and by the same proceedings, by and before the same officers as in the case of a tenant holding over after the expiration of his term without permission of his landlord.

Possession,
how
obtained.

City to
borrow
money for
purchases.

Fund for
payment.

Notice of
payment of
warrants.

§ 113. The city shall borrow, for a time not exceeding five years, money sufficient to pay its purchases at such tax sales, and place in the city treasury, to the credit of each tax and assessment for which sales were made, its portion. All moneys received on the redemption of lands struck off to the city at such sale, or for assignments of certificates of sale, shall constitute a fund for the payment of the money borrowed. As soon as practicable after the city shall have borrowed money and placed it in the treasury as aforesaid, it shall be the duty of the treasurer to publish a notice five days in the official paper, that he will pay all local fund warrants the funds to pay which have been provided by the money so borrowed and placed in the treasury, at any time within ten days from the time of the first publication of such notice, and interest on such warrant shall cease at the end of ten days from the time of the first publication of such notice.

Redemption
of
lands.

§ 114. The owner of, or any person interested in, or having a lien upon any real estate sold for taxes and assessments, as aforesaid, may redeem the same at any time within eighteen months after the date of such sale, by paying to the comptroller, for the use of the purchaser upon such sale, his heirs and assigns, the sum mentioned in the certificate given to him, and the interest on the amount of tax, additions, fees, interest and expenses at the rate of twelve per centum per annum, and on the balance of said sum at the rate of six per centum per annum, to be calculated from the date of such certificate, and in case such redemption shall be made after eighteen months, and before two years after the date of such sale a further sum of fifteen dollars to pay for the expenses of searching and publishing and serving the notices herein prescribed. After the expiration of two years from the date of sale the comptroller may receive the deposit last above set forth, but shall not record the redemption of such lands until the certificate issued by him upon such sale shall be returned to him canceled by the purchaser or his assigns, or its loss proven. Notice shall be given by the purchaser of any real estate sold for taxes under the provisions of this act to the occupant, owner in fee, registered agent of the owner, attorney in fact whose power of attorney is recorded, trustee, mortgagee or his registered tax agent, judgment creditor or purchaser upon any other tax sale of the same property, whose certificate is a lien on said premises, and the heirs and assigns of

Purchaser
to give
notice to
redeem
lands.

any or either of them and the guardian of any infants having any interest therein, at any time after the expiration of eighteen months from the date of such sale. Such notice shall either be written or partly written, and partly printed, and shall state briefly the lot or parcel of land to be redeemed, the amount due at the time of sale, the amount for which the property was sold, and the expenses of making searches thereon, the last day of redemption of any such real estate, and the office, or place, and hours when and where the money for such redemption can be paid, which office or place of business shall be in the city of Buffalo, and which hours shall be between nine o'clock in the forenoon and four and one-half o'clock in the afternoon. The last day of redemption to be specified in said notice shall be not less than three months from the day of service of the same, nor prior to two years from the date of such sale. Such notice shall be served personally or left with some person of suitable age and discretion at the residence or place of business of any and all persons entitled to such notice, if they or any of them reside in the city or have a place of business therein; and in case they or any of them do not reside or have a place of business in said city, then such notice shall be deposited, postage paid in the post-office, addressed to them at the post-office at or nearest to their known place of residence; and if the residence or address of any such person or persons be not known to the holder of such certificate, then such notice shall be published at least once a week for three months prior to the day therein named for redemption in the official paper. The expenses of mailing, serving and publishing such notice shall be added to and become a part of the amount required to be paid for the redemption of such real estate. The clerk of Erie county shall, upon the application of any purchaser of any lot of* lots or his assignees, make a full and complete search of such property, setting out in full the facts upon the records of his office necessary to enable such holder to serve the notice herein required, and shall be entitled to charge therefor the sum of ten cents for each conveyance or record certified by him; such compensation, however, in no case to be less than one dollar and fifty cents, nor more than seven dollars and fifty cents. Such holder shall be entitled also to demand from any person entitled to redeem from any sale, the certificates of which shall be held by him, the sum of one dollar for the tax search upon such property. It shall be the duty of the comptroller whenever any parcel of land shall, under the provisions of this act, be struck off to the city, to seasonably procure from the county clerk the necessary searches to enable the city to perfect its title to said lands, and he shall in his annual estimate for his department, include a sufficient sum to enable him to carry the same into effect.

Form and
contents
of notice.

Notice,
how
served.

Searches
by county
clerk.

Fee of
clerk.

Allowance
to holders
of certi-
ficates.

Comptrol-
ler to pro-
cure
searches.

Convey-
ance of
lands.

Fee of
comptrol-
ler.

Execution
of convey-
ance.

§115. If such real estate or any part thereof be not redeemed as herein provided the comptroller shall execute to the purchaser, including the city, its or his heirs, successors or assigns, a conveyance of the real estate so sold, which conveyance shall vest in the grantee an absolute estate in fee. The comptroller shall be entitled to demand and receive from such grantee, for the use of the city, the sum of one dollar for preparing such conveyance. Every such conveyance shall be attested by the mayor and signed by the city clerk and the seal of the city attached thereto, and when so executed shall be conclusive evidence that the sale was regular, and also presumptive evidence that all previous pro-

Record of conveyance. Proceedings were regular according to law and the provisions of this act. Every certificate or conveyance executed in pursuance of this act may be recorded in the same manner and with like effect as a deed acknowledged or proved before any officer authorized by law to take the proof and acknowledgment of deeds.

Validity of taxes etc. § 116. It shall be presumed that every tax levied and assessment made is valid and regular, and that all the steps and proceedings required by law were taken and had until the contrary shall be made to appear.

Actions to test same. Any action or proceeding commenced by any person or persons to test the validity or regularity of any tax levied or assessment made shall be commenced within one year from the time of the delivery of the roll in which said tax or assessment is contained to the treasurer, and the first publication of notice of receipt of same; the invalidity or irregularity of any tax or assessment shall not be available as a defense to any action or proceeding commenced after the expiration of one year from the delivery of the roll and publication as aforesaid, for the collection of said tax or assessment or for the enforcement of any right or title, by virtue of any sale thereunder, unless an action or proceeding to test the validity or regularity of such tax or assessment shall have been commenced within the time hereinbefore limited for commencing the same, and shall be still pending, or such tax or assessment shall have been adjudged to be irregular and invalid.

Reimbursement of purchase money. § 117. Whenever any purchaser under such sale, or his heirs or assigns, shall be unable to recover or retain possession of any real estate sold to him by reason of any irregularity or error in the assessment of any person or property, or the levying of any tax thereon, or in any proceedings for the collection of any tax, the common council shall reimburse the purchase-money so paid, with interest, from the time of its payment, at the rate of six per centum per annum, the amount thereof to be presented and audited as other city charges, and paid by the comptroller; and thereupon the common council shall order a reassessment of any amount or sum so paid, upon the same real estate or against the same person, which shall for all the purposes of this act be deemed, and taken to be, an original general city tax or assessment as of the date of such reassessment.

Certain actions not to be brought. § 118. No action shall be brought or maintained upon any assessment, for local improvements, except local assessments for sidewalks and crosswalks. The tax-roll, when delivered to the treasurer, shall be presumptive evidence that all the previous proceedings, including the assessing and levying of the tax, were regular and according to law.

Tax-roll evidence. § 119. Nothing contained in this act shall be held or construed as in any way affecting the validity or lien of any state or county tax heretofore levied or hereafter to be levied or assessed upon or against any lands in the city.

Lien of state or county tax not affected. § 120. The common council shall not, unless by unanimous vote, allow owners or others interested in lands sold to said city, for the non-payment of taxes or assessments, to redeem the same unless by the payment of the amount for which such sales shall have been made, and all accrued interest thereon, and the expenses properly charged thereon.

Redemption of lands sold to city. § 121. The comptroller shall enter and record in his office his proceedings upon such sales, and all certificates granted by him, and all redemptions, and all proceedings whereby sales are defeated or discharged. He shall also file and record all notices of sales published by him, together with his own affidavit or that of the publisher or foreman of the official paper, of the publication of such notices, and

Record of proceedings upon sales, etc.

of all other notices which have been given by him; and he shall keep a record of all certificates and conveyances made by him under section one hundred and fifteen of this act.

§ 122. When it shall be discovered that the proceedings in ordering or levying any tax, or in ordering or making any assessment, have been so irregular as to render them illegal and void, the common council may annul them, or may annul all of them subsequent to and including the irregularity and may begin the proceeding anew, or from the point where the irregularity occurred. Council may annul proceedings.

§ 123. When any lands are imperfectly described in any tax or assessment-roll, the common council may direct the assessors to correct the description. Correction of imperfect descriptions.

§ 124. The assessors, at any time before the lands are advertised for sale for the non-payment of the tax or assessment, and not after, may correct the imperfect description.

§ 125. A mortgagee of lands situate in the city, who resides out of it, may appoint an elector of the city as his tax agent, in the manner provided in this act. Upon the presentation of such appointment to the comptroller, he shall file the same and register the names in a book to be kept by him for that purpose. Tax agents for non-resident mortgagees.

§ 126. The holder of a certificate of sale shall be allowed fifty cents for every notice to redeem necessarily served, twelve cents for every affidavit necessarily made and filed, and the amounts actually and necessarily paid for searches, publication and postage. When the same person holds more than one certificate of sale on the same parcel of land, he shall be allowed for but one search. He shall make out a bill of the allowances claimed by him in items, naming the persons on whom the notices were served, and stating who was served as owner, mortgagee or occupant; and shall annex to it his affidavit that the charges in the bill are just, and were necessarily incurred, and that the notices charged were not served upon any person whom the law did not require to be served. He shall annex such a bill to a copy of the certificate of sale, and file the same with the comptroller. If there be any dispute in respect to the bill, the comptroller shall adjust it. If any redemption is made after the expiration of eighteen months from the sale, and before a bill of the allowances claimed has been filed, the person redeeming shall deposit with the comptroller fifteen dollars. The comptroller shall, with said fifteen dollars, pay the bill of allowances, when filed, which shall in no case exceed that sum, and return the surplus, if any, to the party who deposited it, on demand. Allowances to holders of certificates.

§ 127. If any person having a lien by mortgage or judgment, upon lands sold for taxes or assessments, shall redeem them from the sale, he may add the amount paid to redeem to his mortgage or judgment, and enforce it with interest as part thereof. Bill to be made and filed.

§ 128. Any person may pay any one or more taxes or assessments upon his property, leaving others unpaid, to be enforced in the manner provided by this act. Deposit by person redeeming.

§ 129. BOARD OF ASSESSORS.—There shall be a department of assessment, of which a board, to consist of five assessors, shall be the head. Duty of comptroller.

§ 130. BOARD OF ASSESSORS.—There shall be a department of assessment, of which a board, to consist of five assessors, shall be the head. Rights of persons having liens on lands sold.

§ 131. BOARD OF ASSESSORS.—There shall be a department of assessment, of which a board, to consist of five assessors, shall be the head. Payment of part of taxes, etc.

TITLE V.

CHAPTER I.

DEPARTMENT OF ASSESSMENT.

§ 129. BOARD OF ASSESSORS.—There shall be a department of assessment, of which a board, to consist of five assessors, shall be the head. Board of assessors.

- Present assessors.** § 130. The assessors in office at the time this act shall take effect shall hold their office during the term for which they were elected respectively. The assessor whose term of office shall first expire shall be chairman of the board.
- Chairman.**
- Election of assessors.** § 131. At each annual election held under this act, there shall be elected one assessor, who shall hold his office for five years.
- Quorum** § 132. A majority of the board of assessors shall constitute a quorum for the transaction of business.
- Subordinates, appointment, etc., of.** § 133. The board of assessors shall have the power of appointing and removing its subordinates. The number of subordinates and their compensation shall be fixed by the common council.
- Powers and duties of board.** § 134. The board shall have the power and duties of assessors of towns, except as otherwise provided by this act. It shall be the board of valuation and assessment for the city.
- Electors to act with assessors, appointment of, etc.** § 135. When, by reason of interest in a local assessment, there is not a majority of assessors qualified to make the assessment, the mayor may appoint a sufficient number of the electors of the city, to act with the qualified assessors in making the assessment. The persons so appointed shall take the oath of office, which shall be annexed to the roll, and they shall each receive five dollars a day for their services in making the assessments, which shall be paid out of the general fund.
- Maps and surveys of taxable property.** § 136. The board of assessors shall keep in their office, maps and surveys of all the taxable property in the city certified by the chief engineer of the department of public works, which maps and surveys shall show the location and boundaries of each piece of property taxed, as nearly as practicable, and the name of the owner or person or corporation assessed. The assessors shall have the power, and it shall be their duty, to make notations in pencil on such maps and surveys showing changes, and such notations shall be deemed to be a part of such maps and surveys. Reference shall be made to such maps and surveys in the annual assessment-rolls in all local assessment-rolls, in certificates of sale for unpaid taxes, in notices to redeem and in all conveyances of property sold for unpaid taxes, and said maps and surveys shall be deemed a part of the description in said assessment-rolls, certificates, notices and conveyances of property sold. Reference to such maps and surveys in assessment-rolls may be made generally in captions thereto. Every deed of conveyance of lands in the city shall be presented to the assessors and stamped by them before it shall be recorded, and if the county clerk shall record any deed of conveyance of lands in the city which has not been stamped by the assessors, he shall forfeit to the city the sum of ten dollars. Nothing herein contained shall affect the record of an unstamped deed. Every map, plot or subdivision map or plot of lands within the city showing a subdivision of such lands into blocks or lots, shall, before it shall be filed in the office of the clerk of Erie county or in any city office be presented to the assessors and a copy thereof filed in their office. The assessors shall stamp said original map or plot. If any such map or plot which has not been so stamped shall be placed on file by any officer he shall forfeit to the city the sum of ten dollars.
- Reference thereto.**
- Deeds to be stamped before recorded.**
- Penalty for recording unstamped deeds.**
- Maps showing subdivision of lands.**
- Jurors, returning and selection of.** § 137. Each ward shall be deemed a town for the purpose of returning jurors, and the board of assessors shall select and return jurors under article second, title three, chapter ten of the Code of Civil Procedure.

CHAPTER II.

ANNUAL ASSESSMENT-ROLL.

§ 138. The board shall prepare annual assessment-rolls of each ward which shall consist of two parts. The first part shall contain the assessed valuations of the taxable lands of each ward, substantially in the form in which town assessors are required to make them, except that all lands shall be assessed in form as resident lands; the second part shall contain the names in alphabetical order of all the inhabitants of the city, corporations and associations, deemed taxable in each ward upon personal estate, and opposite to each shall be set down the full value of his or its taxable personal estate. It shall complete the rolls on or before the first day of April in each year, and thereupon publish a notice in the official paper, twice a week for two weeks, that said rolls have been completed, and may be seen and examined at its office until a day specified in said notice, not less than twenty days from the first publication thereof. The rolls shall be open to public inspection during such time.

Annual assessment-rolls, how prepared.

Completion and notice thereupon.

§ 139. During such time, application may be made by any person considering himself to be aggrieved by the assessed valuation of his real or personal property, to have the same corrected. If such application be made in reference to the valuation of real estate, it must be in writing, stating the grounds of objection thereto, and thereupon the proper assessor shall examine into the complaint, and if, in his judgment, the assessment is erroneous, the board may cause the same to be corrected. If the application be made in relation to the assessed valuation of personal estate, the applicant shall be examined under oath by an assessor; and if, in his judgment, the assessment is erroneous, the board shall cause the same to be corrected.

Applications for correction of rolls.

Examination of complaints.

§ 140. The rolls shall be carefully reviewed and corrected by the board. It shall make two copies of all rolls as revised and corrected and certify them; and on or before the first day of May, it shall file one copy of each roll in the comptroller's office, and shall deliver one copy of each roll to the clerk of the board of supervisors at the first regular annual meeting of said board, which shall be the assessment-rolls of the several wards for county and state purposes.

Review and correction of rolls.

Copies to be filed.

§ 141. The board of assessors shall have the power to rectify any error committed in the making up of the annual assessment-rolls and of the assessments for local improvements, in the following cases only:

Power to rectify errors.

1. When the error is entirely clerical.
2. When there is a mistake in the name of the party taxed or assessed.
3. When the real estate or the improvements thereon shall be erroneously described or stated.
4. When the property that has been assessed is by law exempt from assessment or taxation.
5. When a correction shall have been directed to be made in accordance with the provisions of section one hundred and thirty-nine of this act.

§ 142. When a tax shall be levied, or an assessment shall be made upon a parcel of land, of which specific parts shall at the time when the roll was made by the board of assessors, belong to different persons, the board, upon the application of either of such persons, shall apportion the tax or assessment between the specific parts owned by such different persons. The board shall make a certificate in dupli-

Apportionment of taxes upon specific parts of land.

Certificate.

Monthly
certificate
of bonds
due, and
condition
of funds.

Warrants
payable
from as-
sessment
funds.

Warrants
for work
payable in
install-
ments.

Payment
of war-
rants, be-
fore due.

Notice
thereof.

Temporary
loans for
payment of
warrants.

comptroller shall, on the first Monday in each month, certify the amount of bonds, if any, falling due in that month, and the condition of the fund provided for the payment thereof, and the common council shall, upon such statement, determine the amount of bonds to be issued under the provisions of this section, and may determine that any work shall be paid for by the issue of warrants drawn against the roll made to provide a fund for payment of the same in which case warrants shall be issued as follows; when any work or improvement shall be ordered by the common council, the expense whereof is to be collected by local assessment upon the property benefited; the common council may, by resolution, direct warrants to be drawn on the treasurer in payment for the same out of the funds in his hands arising from such assessment, applicable to the payment thereof. Warrants drawn by direction of the common council in payment of any work or improvement, the assessment for which is payable in five installments, shall be drawn payable by the city on a day certain for one-fifth of the amount of such improvement in one year from date, one-fifth in two years, one-fifth in three years, one-fifth in four years and one-fifth in five years from date. Such warrants shall bear interest at five per centum from their dates. The comptroller shall direct and the treasurer shall pay warrants, with accrued interest thereon, at any time before they shall become due, if there shall be funds in his hands arising from such assessment applicable to the payment thereof, but none of such warrants shall be paid until all those which by their terms are sooner payable shall have been paid, unless he shall retain in his hands a sufficient amount to pay all such prior warrants. The comptroller shall direct, and the treasurer shall, when he shall have money in his hands applicable to the payment of such warrants, give notice in five successive numbers of the official paper (Sundays and legal holidays excepted) that he will pay all or any portion of such warrants, with accrued interest, on a day to be specified in said notice, and the interest on such warrants shall cease from and after the day specified in such notice. If there shall not be sufficient moneys to the credit of the work or improvements for which the assessment is made to pay such warrants when the same shall become due, the comptroller shall borrow on the credit of the city, if the common council shall by resolution so direct, a sufficient sum of money, which shall be deposited with the treasurer, to pay the same, and the moneys arising from said assessment shall, when collected, be applied to the payment of the amount so borrowed, and to no other purpose.

CHAPTER IV.

SALE OF LANDS FOR TAXES AND ASSESSMENTS.

Taxes and
assess-
ments,
how long
liens.

§ 106. All taxes and assessments shall be a lien upon the lands on which they are assessed for ten years from the delivery of the tax or assessment-roll to the treasurer and the first publication of notice of receipt of same, and shall have priority in the inverse order of time in which they become liens. If the proceedings to enforce such liens have been stayed by a court or judge, the period of such stay shall not be taken as a part of said ten years.

Statement
of unpaid
taxes and
assess-
ments.

§ 107. Upon the return by the treasurer of the general tax-rolls to the comptroller, he shall prepare a statement of the taxes and assessments upon lands returned by said treasurer unpaid. Such statement shall be a transcript of the rolls, and shall specify the amount of each

tax and assessment, with additions and interest to the day on which the sale is to commence, and the further sum of five per centum upon the amount of each tax, assessment, addition and interest. When there is more than one tax or assessment upon the same parcel of land, the description of such parcel shall be inserted in such statement but once. The comptroller shall also charge each parcel of land included in such statement with one dollar to cover expenses of printing and publication. All such additions, interest, fees and expenses shall be a charge on the lands sold and shall be added to and made a part of such tax.

Charge for
advertis-
ing.

§ 108. The collection of every assessment and of every tax upon real estate returned unpaid by the treasurer may be enforced by a sale of the real estate by the comptroller, while the tax or assessment is a lien. Such sale shall take place in April or May in every year.

Enforce-
ment of
tax, etc.,
by sale of
lands.

§ 109. When the returned taxes and assessments are upon the same parcel of land such parcel shall not be sold for less than the aggregate amount of them, but when they are upon parcels of different boundaries, although in part the same, each parcel shall be sold separately.

Sale in
parcels or
separately.

§ 110. The comptroller shall cause to be published twice in each week, for three weeks, in the official paper, a list or statement of the real estate charged with the payment of such taxes and assessments, with additions, fees, interest and expenses, and so liable to be sold, and also a notice that the said real estate will, on a day at the expiration of the said three weeks, to be specified in such notice, and the succeeding days, be sold at public auction to the highest bidder, at the city and county hall in the said city of Buffalo, to pay the taxes, additions, fees, interest and expenses thereon which may remain unpaid at the time of such sale; the expense of publishing such list and notices shall not exceed the sum of one dollar for each parcel of land so advertised. On the day named in said notice the said comptroller shall commence the sale of said real estate at auction to the highest bidder, and shall continue such sale from day to day until the whole thereof shall be sold; but the owner of any piece of land or his representatives may redeem the same at any time before the actual sale thereof, by paying the tax or taxes for which it is to be sold, with all accrued interest, additions, fees and expenses. It shall be the duty of the comptroller to bid in for the city all parcels of real estate at such sale which shall not be purchased by any other person at a rate sufficient to pay the taxes for which the land is to be sold, with all the accrued interest, additions, fees and expenses.

List and
notice of
sale.

Sales at
auction.

Redemption
before
sale.

Lands to
be bid in
for city.

§ 111. If the real estate shall sell for more than the amount of the tax, interest, additions and expenses aforesaid, the surplus shall be paid over by the comptroller into the superior court of Buffalo, by delivering the same to the clerk thereof; and such court shall ascertain and determine who is entitled to such money; and if it shall appear that such proceedings are valid and regular, order and decree its distribution and payment to the person or persons entitled thereto. And if any of such surplus shall remain unclaimed in said court for the period of ten years, the same, with accrued interest thereon, shall, on application of the corporation counsel, and after publication of notice that such application has been made in the official paper for ten successive issues thereof (Sundays and legal holidays excepted), be paid to the treasurer of the city, and added to the local redemption fund.

Surplus
upon sales,
how dis-
posed of.

When
added to
local re-
demption
fund.

§ 112. The purchasers at such sale shall pay the amounts of their respective bids to the comptroller within forty-eight hours after the sale, and thereupon the comptroller shall execute to each purchaser,

Payment
of bids.

Certificate
of sale.

including the city, a certificate in writing, which shall contain a description of the real estate purchased, the amount paid therefor, the date of the sale and that the same was sold for unpaid city taxes and assessments. Such purchaser or his legal representatives or assigns, may, upon receiving such certificate, by virtue thereof and of this act, lawfully hold and enjoy for his and their own proper use and benefit and the use and benefit of his and their heirs and assigns forever, the real estate described in said certificate, unless the same shall be redeemed as hereinafter provided. And he and his heirs and assigns may, and at any time after the time limited in the one hundred and fourteenth section of this act for the redemption of such premises shall have expired and the notice therein provided for been given, and said premises shall not have been redeemed as therein provided, and not before, obtain actual possession of the premises by an action at law or by causing the occupant of such real estate to be removed therefrom and the possession thereof to be delivered to him in the same manner and by the same proceedings, by and before the same officers as in the case of a tenant holding over after the expiration of his term without permission of his landlord.

Possession.
how
obtained.

City to
borrow
money for
purchases.

Fund for
payment.

Notice of
payment of
warrants.

§ 113. The city shall borrow, for a time not exceeding five years, money sufficient to pay its purchases at such tax sales, and place in the city treasury, to the credit of each tax and assessment for which sales were made, its portion. All moneys received on the redemption of lands struck off to the city at such sale, or for assignments of certificates of sale, shall constitute a fund for the payment of the money borrowed. As soon as practicable after the city shall have borrowed money and placed it in the treasury as aforesaid, it shall be the duty of the treasurer to publish a notice five days in the official paper, that he will pay all local fund warrants the funds to pay which have been provided by the money so borrowed and placed in the treasury, at any time within ten days from the time of the first publication of such notice, and interest on such warrant shall cease at the end of ten days from the time of the first publication of such notice.

Redemp-
tion of
lands.

§ 114. The owner of, or any person interested in, or having a lien upon any real estate sold for taxes and assessments, as aforesaid, may redeem the same at any time within eighteen months after the date of such sale, by paying to the comptroller, for the use of the purchaser upon such sale, his heirs and assigns, the sum mentioned in the certificate given to him, and the interest on the amount of tax, additions, fees, interest and expenses at the rate of twelve per centum per annum, and on the balance of said sum at the rate of six per centum per annum, to be calculated from the date of such certificate, and in case such redemption shall be made after eighteen months, and before two years after the date of such sale a further sum of fifteen dollars to pay for the expenses of searching and publishing and serving the notices herein prescribed. After the expiration of two years from the date of sale the comptroller may receive the deposit last above set forth, but shall not record the redemption of such lands until the certificate issued by him upon such sale shall be returned to him canceled by the purchaser or his assigns, or its loss proven. Notice shall be given by the purchaser of any real estate sold for taxes under the provisions of this act to the occupant, owner in fee, registered agent of the owner, attorney in fact whose power of attorney is recorded, trustee, mortgagee or his registered tax agent, judgment creditor or purchaser upon any other tax sale of the same property, whose certificate is a lien on said premises, and the heirs and assigns of

Purchaser
to give
notice to
redeem
lands.

any or either of them and the guardian of any infants having any interest therein, at any time after the expiration of eighteen months from the date of such sale. Such notice shall either be written or partly written, and partly printed, and shall state briefly the lot or parcel of land to be redeemed, the amount due at the time of sale, the amount for which the property was sold, and the expenses of making searches thereon, the last day of redemption of any such real estate, and the office, or place, and hours when and where the money for such redemption can be paid, which office or place of business shall be in the city of Buffalo, and which hours shall be between nine o'clock in the forenoon and four and one-half o'clock in the afternoon. The last day of redemption to be specified in said notice shall be not less than three months from the day of service of the same, nor prior to two years from the date of such sale. Such notice shall be served personally or left with some person of suitable age and discretion at the residence or place of business of any and all persons entitled to such notice, if they or any of them reside in the city or have a place of business therein; and in case they or any of them do not reside or have a place of business in said city, then such notice shall be deposited, postage paid in the post-office, addressed to them at the post-office at or nearest to their known place of residence; and if the residence or address of any such person or persons be not known to the holder of such certificate, then such notice shall be published at least once a week for three months prior to the day therein named for redemption in the official paper. The expenses of mailing, serving and publishing such notice shall be added to and become a part of the amount required to be paid for the redemption of such real estate. The clerk of Erie county shall, upon the application of any purchaser of any lot of* lots or his assignees, make a full and complete search of such property, setting out in full the facts upon the records of his office necessary to enable such holder to serve the notice herein required, and shall be entitled to charge therefor the sum of ten cents for each conveyance or record certified by him; such compensation, however, in no case to be less than one dollar and fifty cents, nor more than seven dollars and fifty cents. Such holder shall be entitled also to demand from any person entitled to redeem from any sale, the certificates of which shall be held by him, the sum of one dollar for the tax search upon such property. It shall be the duty of the comptroller whenever any parcel of land shall, under the provisions of this act, be struck off to the city, to seasonably procure from the county clerk the necessary searches to enable the city to perfect its title to said lands, and he shall in his annual estimate for his department, include a sufficient sum to enable him to carry the same into effect.

Form and contents of notice.

Notice, how served.

Searches by county clerk.

Fee of clerk.

Allowance to holders of certificates.

Comptroller to procure searches.

§115. If such real estate or any part thereof be not redeemed as herein provided the comptroller shall execute to the purchaser, including the city, its or his heirs, successors or assigns, a conveyance of the real estate so sold, which conveyance shall vest in the grantee an absolute estate in fee. The comptroller shall be entitled to demand and receive from such grantee, for the use of the city, the sum of one dollar for preparing such conveyance. Every such conveyance shall be attested by the mayor and signed by the city clerk and the seal of the city attached thereto, and when so executed shall be conclusive evidence that the sale was regular, and also presumptive evidence that all previous pro-

Conveyance of lands.

Fee of Comptroller.

Execution of conveyance.

Notice by
city clerk
of receiv-
ing roll.

Filing of
objections.

Roll con-
firmed if
not objec-
ted to.

Report to
council.

Rolls ob-
jected to,
laid before
council.

Hearing of
objection,
etc.

New
assess-
ment by
assessors.

Delivery
of con-
firmed roll
to comp-
troller.

Division of
rolls by
order of
court.

New
assess-
ments in
place of
assess-
ments de-
clared
void.

Actions
to compel
same.

No lands
exempt.
Assess-
ment of
occupants
of public
grounds of
city.

§ 153. When an assessment-roll shall be delivered to the city clerk to be proceeded with, he shall publish a notice in five successive numbers of the official paper (Sundays and legal holidays excepted) that the roll, naming it, is in his office, and that objections to it may be filed with him within ten days from the first publication of the notice. Any person interested in the roll may, within the time specified in the notice, file with the city clerk objections to it, which objections shall be subscribed and verified by the objector or his agent. The city clerk may include several rolls in the same notice. If no objections shall be filed within said time, the roll shall be deemed to be confirmed, and the city clerk shall attach to it proof of the publication of the notice required to be published by him and his certificate that no objections to it have been filed with him and deliver the same to the comptroller. The city clerk shall report to the common council the rolls that have been confirmed by the lapse of time.

§ 154. If objections shall be filed with the city clerk to such roll, he shall at the first regular meeting of the common council after the expiration of the time for filing objections, lay such roll and the objections filed thereto before the common council, which shall, on that day or on such other day or days as it shall appoint, hear the objections and confirm the roll, or annul it, or refer it back to the board of assessors, to make a new assessment.

§ 155. Whenever an assessment shall have been sent back by the common council to the board of assessors to make a new assessment, the board shall forthwith proceed to make a new assessment, in the same manner as is provided for original assessments.

§ 156. Upon the confirmation of any roll, the city clerk shall attach to it proof of the publication of the notice required to be published by him, and his certificate that the roll has been confirmed, and deliver the same to the comptroller.

§ 157. The superior court of Buffalo at a special term thereof may at any time upon a resolution of the common council, grant an order directing the assessors to divide any assessment-roll made or to be made by them, and to make the same in two parts, to be designated and known as part one and part two respectively, and may also direct that either of said parts shall remain in the office of the comptroller after it shall have been delivered to him, or returned to him in case it had been delivered to the treasurer for such length of time as it may direct, not exceeding one year, then to be proceeded with pursuant to the provisions of this act.

§ 158. In all cases where the common council shall have power to order an assessment, and such assessment shall finally be declared void by reason of any irregularities or defects occurring after such order, in an action or proceeding brought to determine the legality of the same, the board of assessors shall forthwith proceed to make a new assessment for the work or improvement for which the void assessment was ordered, in the same manner as is provided for original assessments. In case the board of assessors shall neglect for six months to make a new assessment, as herein provided, any citizen may bring an action to compel the board of assessors to make such new assessment, and the assessors shall severally be liable for the costs of such action.

§ 159. No lands in the city shall be exempt from local assessments.

§ 160. Whenever any person or corporation shall occupy any public ground or place of the city by permission of the common council, such person or corporation shall be assessed by the assessors for any local improvement benefiting the ground or place so occupied, the same

amount they would assess such ground or place if not so occupied; and when such occupant is so assessed, such public ground or place so occupied shall not be assessed for such improvement. The comptroller may maintain an action in his name of office against any person or corporation for the amount of such assessment together with the interest and expenses thereon, and the cost of the action at any time after the treasurer shall return to him as unpaid any such assessment.

Actions
for amount
of assess-
ment.

TITLE VI.

DEPARTMENT OF LAW.

§ 161. There shall be a department of law, which shall have the charge and conduct of all the law business of the city and its departments.

Depart-
ment of
law.

§ 162. The corporation counsel shall be the head of the department of law. He shall be an attorney and counselor of the supreme court of at least eight years' practice, and shall hold his office for the term of three years and until his successor shall qualify.

Corpora-
tion coun-
sel.

§ 163. The corporation counsel shall prosecute and defend all actions and proceedings brought by or against the city or any of its departments. He shall, when requested, advise all the officers and departments of the city in respect to their powers and duties. He shall prepare proper forms of contracts, bonds and obligations, and of all proposals for public works. He shall also, when requested by the head of any department, prepare such legal instruments as may be needed by any such department. He shall also have the charge and conduct of all legal proceedings by which the city shall exercise the right of eminent domain. He shall also discharge such other duties as may properly pertain to the legal department of the city.

His duties.

§ 164. The corporation counsel shall not receive to his own use any fees or emoluments in addition to his salary, and shall pay into the treasury all costs and commissions collected by him; such payments shall be made monthly, and a report under oath be made at the same time to the comptroller.

To receive
no fees to
own use.

Monthly
report.

§ 165. The corporation counsel shall appoint two assistants, to be called respectively the attorney and the assistant attorney, and file certificates of such appointments with the city clerk. He shall also appoint a managing clerk, a clerk and a messenger and such other subordinates as may be authorized by the common council.

Assistants
and office
force.

§ 166. The attorney shall be an attorney and counselor of the supreme court of at least four years' practice, and shall, under the direction of the corporation counsel, have charge of all the litigated business of the department. The assistant attorney shall be an attorney and counselor of the supreme court of at least two years' practice, and shall, under the direction of the corporation counsel, have charge of the examination of assessment-rolls. The managing clerk shall be an attorney and counselor of the supreme court, and shall, under the direction of the corporation counsel, have charge of keeping the records required to be kept in the department of law. They shall each perform such other duties as the corporation counsel may assign to them.

Qualifica-
tions and
duties of
assistants
and clerks.

§ 167. Within ten days after the recovery of any judgment the corporation counsel shall file with the comptroller a statement, showing the amount of the judgment, the time of its recovery, in what court and against whom it has been obtained.

Statements
as to judg-
ments.

Substitution as attorney of record.

§ 168. Upon taking office the corporation counsel shall be deemed to be substituted as attorney of record in all actions and proceedings in which the city or any of its departments is a party, and it shall not be necessary to enter any order to that effect.

Delivery of property to successor.

§ 169. At the expiration of his term of office the corporation counsel shall deliver over to his successor all property of the city, or any of its departments, and all papers that shall be in his possession, and he shall not be retained by the city in any cases, except under extraordinary circumstances and at the request of his successor, and with the approval of the common council and mayor.

Law registers, to be kept.

§ 170. There shall be kept in the department of law, registers, in which shall be entered the title of every action and proceeding which the corporation counsel is required to prosecute or defend, and an abstract of the several steps taken therein and the date thereof, and the result of such actions and proceedings. Such entries shall be made as soon as practicable after the action or proceeding is commenced, or the step taken. It shall be the duty of the corporation counsel to see that such registers show fully and correctly the status of each action and proceeding at the expiration of his term of office.

Investigation of claims for personal injuries.

§ 171. It shall be the duty of the corporation counsel to cause all claims for personal injuries to be thoroughly investigated, and he shall advise the proper committee of the common council in respect thereto. There shall also be kept in the department of law an accident report book, in which the corporation counsel shall cause to be entered the names of all persons reported to him, or coming to his knowledge, as having received injuries for which claims are likely to be presented against the city, together with the names and residences of the witnesses and the time and place of the accident, and he shall cause to be entered therein, from time to time, the names and residences of all witnesses and a statement of all facts that shall be discovered by him or shall come to his knowledge concerning each of said cases.

Accident report book.

Attorney, when to act for corporation counsel.

§ 172. The attorney shall, in the absence or inability of the corporation counsel to perform the duties of the office, and during a vacancy therein, perform the duties thereof; before entering on the office he shall take the oath of office prescribed by the constitution, and execute with sureties and file with the city clerk a bond or undertaking in such sum as shall be fixed by ordinance, conditioned for the faithful performance of his duties and the payment over of all moneys received by him.

Inventory of records and books.

§ 173. The corporation counsel, on assuming office, shall file with the comptroller an inventory of all records and books belonging to the city that shall come into his possession, and shall report to the comptroller all additions thereto, and he shall be responsible to the city for the delivery over to his successor of all such books and records.

Official bond.

§ 174. The corporation counsel shall give a bond with two sureties, in such sum as shall be fixed by ordinance for the faithful performance of the duties of his office.

Annual report to council.

§ 175. The corporation counsel shall annually transmit to the common council at its last session in each year, a report of the business done in the department of law during the year.

Term of present counsel.

§ 176. The corporation counsel in office at the time this act takes effect shall continue to be the corporation counsel for the balance of the term for which he was elected.

Failure to keep registers.

§ 177. A failure to comply with sections one hundred and seventy and one hundred and seventy-one of this act shall be deemed a mis-

demeanor, and shall be punishable by fine not exceeding one thousand dollars.

§ 178. The common council may, from time to time, on the written recommendation of the corporation counsel, authorize the comptroller to borrow, temporarily, a sum sufficient to pay any judgment against the city or any claim against the city which has been settled or compromised, and not arising upon contract.

§ 179. The common council shall, in each year, place in the estimates a sum sufficient to pay the amount so borrowed the next preceding year and the interest thereon.

Temporary loans for judgments.

Payment thereof.

TITLE VII.

CHAPTER I.

DEPARTMENTS OF POLICE AND EXCISE.

§ 180. There shall be a department of police and a department of excise which shall have charge of all police and excise matters of the city. No person holding office under this title shall be liable to jury or military duty.

Departments.
Exemption from jury, etc.

§ 181. The department of police shall consist of a board of police, a police force, and of such clerks and employes as are authorized by this title to be appointed. The board of police shall consist of the mayor, ex-officio, who shall be the president of the board and preside at its meetings when present and two commissioners of police, who shall be appointed as hereinafter provided. But nothing in this title contained shall be deemed or construed as making it obligatory upon the mayor to attend the meetings of said board of police, except when requested in writing by the commissioners of police or either of them. The department of excise shall consist of a board of excise, and of such clerks and employes as are authorized by this title to be appointed. The board of excise shall consist of the two commissioners of police, acting as commissioners of excise.

Department and board of police.

Department of excise.

§ 182. The present commissioners of police shall continue to hold their offices until the expiration of the terms for which they were respectively appointed, and until their successors shall qualify and enter upon the duties of their office, and they shall be the first two commissioners of police provided for in this act. One of said commissioners shall be designated by the board as acting commissioner. The acting commissioner shall, in the absence of the president, possess the power and perform the duties of the president, and shall serve as acting commissioner until his term of office as commissioner shall expire, or until another commissioner shall be designated as the acting commissioner. A commissioner of police shall thereafter be appointed by the mayor at the expiration of each term of office, who shall hold his office for the full term of six years, and until his successor has qualified and entered upon the duties of his office; at no time shall there be two commissioners of police from the same political party.

Terms of present police commissioners.

Acting commissioners.

Appointment of commissioner.

§ 183. Each commissioner of the police before entering upon the duties of his office, shall subscribe and take before the city clerk the oath of office required to be taken by judicial officers, which oath shall be filed in the office of the city clerk. If a vacancy shall occur in the office of commissioner of police from any cause other than the expiration of the term, the mayor shall appoint a person to fill such vacancy, who shall hold office by virtue of such appointment for and

Oath of office.

Vacancies how filled.

Qualifications of commissioners.

during the unexpired term of the commissioner whom he shall succeed, and until his successor shall qualify and enter upon the duties of his office. The commissioners of police shall be citizens of the United States and electors of the city of Buffalo, and shall have resided in the city for at least five years next preceding their appointment.

CHAPTER II.

OF THE DEPARTMENT OF POLICE.

Salary of commissioners. Not to be interested in purchases, etc.

Removals for cause.

Meetings of board.

Powers of board.

Station-houses, offices, etc.

Designation of houses for detention of women. Police matrons.

Powers in requiring military aid.

§ 184. The commissioners of police shall receive such annual salary as may be fixed by the common council by ordinance. They shall not be interested in the purchase or sale of any lands for police purposes, in the construction or repair of station-houses, nor the manufacture, purchase or sale of any article used in the department. If any such commissioner shall be so interested, or shall neglect his official duties, or be guilty of malfeasance or misconduct in office, he shall be removed by the supreme court at general term; but no removal shall be made unless upon charges, or unless the party charged shall have been served with a copy of the charges, and have had an opportunity to be heard. Such hearing shall be in the city of Buffalo, and the accused shall have an opportunity to present evidence in his own behalf, and to be represented by counsel. The board shall hold meetings as often as may be necessary, and shall make rules to govern its proceedings.

§ 185. The board shall have charge of all the property of the department, of the purchase of the supplies used by the department, and of the repairs necessary to any of the property under its control, except the repairs of police buildings, which shall be in charge of the department of public works, and be done on the recommendation of the police department and order of the common council. The department of public works shall provide such office and business accommodations, station-houses, substation-houses, and other buildings, as the department of police may from time to time deem necessary for the transaction of the business of the department, and as may be ordered by the common council, and the police commissioners may establish stations and station-houses and substation-houses, at least one in each precinct, for the use of the police force, and as places of detention for persons arrested; and for that purpose it may appropriate and use any police station used as such at the time this act takes effect. The board, shall as speedily as possible after this act becomes operative, designate at least three of such station-houses at which all women arrested in the city shall hereafter be detained, in each of which said station-houses a matron shall be appointed, in accordance with the provisions of chapter four hundred and twenty of the laws of eighteen hundred and eighty-eight. And it shall be the duty of said commissioners to see that the provisions of that act are carried out with reference to the care and detention of all women arrested in the city so far as the same may properly come within their province and duties as such commissioners.

§ 186. The board shall possess and exercise all the powers conferred by law upon the mayors of cities and the sheriffs of counties in requiring the services of the military in aid of the civil authorities to quell riots, suppress insurrections, protect property and preserve public tranquillity; and in case the board shall neglect or refuse to act, the mayor may exercise any of the powers given by this section to the board.

§ 187. The board shall appoint the following subordinates, who shall constitute the police force of the city: A superintendent and an assistant superintendent of police; also one captain, two sergeants and three doormen for each precinct (except that in the first precinct it may appoint three sergeants), a surgeon of police, a clerk of the board, and such number of patrolmen as the common council shall authorize, and patrol wagon drivers, not less than three for each patrol wagon district to be established by the board. The term "doormen" in this act covers all members of the force who were appointed under the name of "operators." The board may also appoint, in addition to the police force, such clerks and employes as it may deem necessary for the proper management and working of the department. It may reduce to a lower grade or rank all members of the police force, and all other employes as hereinafter provided. The officers and other members of the police force who are in office when this act takes effect shall continue in office and hold their respective positions, unless reduced in rank or removed pursuant to the provisions of this act. Lieutenants in charge of precincts at the time this section of this act takes effect shall remain as members of the police force and shall rank as captains of their respective precincts, but may be removed or reduced in rank by the board as provided in section one hundred and ninety-two of this act.

Police force.

Clerks, etc.

Reductions in rank.

Present force continued.

Lieutenants to rank as captains.

§ 188. The city shall be divided into not less than eleven nor more than fourteen police precincts, in the discretion of the board. The boundaries of such precincts shall be fixed by the board. The common council, upon the recommendation of the board, shall have power to increase the number of precincts, and when so increased the commissioners shall appoint one additional captain of police, two sergeants and three doormen for each new precinct so established.

Police precincts.

§ 189. The board shall designate the number of patrolmen to be assigned to each of said precincts, and shall annually grant to each and every member of the department a vacation of not more than ten successive days, with pay. It shall also grant to each and every member of the department one day's leave of absence in each month, with pay, beginning at six o'clock in the evening of the one day and ending at six o'clock in the evening of the following day, when such leave of absence is granted. The said board shall have the power and authority to suspend such leave of absence when public demands are such as require the assistance and aid of such member. The board may designate one captain or member of the force to act as drillmaster of the force; and one captain or member of the force to act as inspector of the force; and each of them may receive for such service an additional annual salary not exceeding two hundred dollars, to be fixed by the board.

Patrolmen therein.

Vacation and leave of absence.

Drillmaster.

Inspector.

§ 190. The board with the concurrence of the common council shall fix the salaries of all its officers and employes. All salaries in this department shall be paid monthly, as follows: The board shall cause to be made out and presented to the common council, monthly, a full and true statement of the amount of salary due each of the members of the board of police, the police force, the clerks and employes of said department. No person shall hereafter be appointed a captain who has not been a member of the police force for at least two years. In the absence of the surgeon of police, and when no city physician can be obtained, any physician called by a member of the police force to render medical or surgical aid to a person unable to pay for such services, when the case is one which the surgeon of police would be

Salaries of officers and employes.

Qualification of captain.

Compensation for physicians.

required to attend, shall be entitled to reasonable compensation for such services, to be audited and allowed by said board, and paid in the same manner as the members of the police force are paid.

Appointment of patrolmen. § 191. The board shall make all appointments of patrolmen among those applicants only who shall have passed the examination prescribed by law; but no person shall be appointed to any place or office in the said police force, or continue to hold such place or office, who is not a citizen of the United States, or who has ever been convicted of crime punishable by confinement in a state prison, or who can not read and write understandingly, or who shall not have resided within the city during one year next preceding his appointment.

Certain persons ineligible. Sergeants shall be appointed from among the members of the force.

Sergeants. Detectives. The superintendent shall detail for detective duty such patrolmen (not exceeding twelve in number, unless authorized by the commissioners to detail a greater number) as he shall, from time to time, select. The patrolmen so detailed shall compose the detectives of the force.

Term of office. § 192. All members of the police force, clerks and employes, shall hold office during good behavior, and shall be liable to removal or reduction in rank only after written charges shall have been preferred against them, according to the rules and regulations of the board, and the same shall have been publicly heard and examined after notice to them thereof by said board in the manner to be provided by said rules and regulations; such charges shall be made under oath. The board may suspend from pay or duty, or both, any member of the force or other persons appointed by said board, but not longer than thirty days from pay at one suspension. If such suspension shall be for more than ten days the board shall make and file with the clerk of the board a decision in writing setting forth the grounds for such suspension.

Removals or reductions in rank.

Suspensions from pay or duty.

Special patrolmen. § 193. The board may, upon any emergency or apprehension of a riot, pestilence or invasion, appoint as many special patrolmen, with or without pay, from the electors of the city, as it may deem advisable; and during any day of public election and the day preceding and succeeding any such day of public election, it may appoint, to perform duty in the city, as many special patrolmen as it may deem necessary, with or without pay. Special patrolmen appointed with pay shall receive such sums for their services as may be fixed by the board, not exceeding three dollars per day. The board may, upon the application of any person or corporation, showing the necessity therefor, appoint special patrolmen to do special duty as required by the applicant for such appointment, but such special patrolmen shall not be entitled to any compensation from the city; nor shall any appointments of special patrolmen be made upon the application of any person or corporation until after the applicant shall have secured and indemnified the city and the board against all claims and demands for such services, or growing out of any acts done or committed by such special patrolmen, in such manner as shall be provided by the rules and regulations of the board. The special patrolmen named in this section shall hold office during the pleasure of the board, and during their term of service as such patrolmen shall possess all the powers and privileges, and perform all the duties that may be from time to time prescribed by the rules and regulations of the board, and during their respective terms of service the said special patrolmen shall be subject to such rules and regulations.

Compensation.

Appointment for special duty.

Term of office.

Powers and duties.

Government of department. § 194. The government and discipline of the department of police shall be such as the board shall prescribe. The board shall enact, and

modify or repeal from time to time, rules and regulations for the management and administration of the board, and for the government and discipline of the police force, and of the subordinates under its control, which rules and regulations shall prescribe the modes of appointments to and removals from office, and also define the duties of the members of the police force. The board shall also enact rules and regulations to prevent undue detention of persons arrested by and in the custody of members of the force. The orders, rules and regulations authorized by this act, when duly made, enacted or adopted by the board, shall have the same force and effect as if herein specially enacted; provided that the said rules and regulations shall not be in conflict with the laws of this state or of the United States. The board shall also prescribe the uniform, badges and emblems of office and equipments, to be worn by members of the force, and may provide that the same may be repaired or replaced by the department when they are injured or destroyed in the proper and necessary discharge of duty.

Rules and regulations.

Uniforms, badges, etc.

§ 195. Any member of the board or the superintendent shall have power to issue criminal warrants in all cases after entertaining complaints, making the same returnable before the police justice or one of the justices of the peace of the city of Buffalo; and they may each commit for examination. The board and the clerk of the board shall each have power to issue subpoenas attested in the name of its president, to compel the attendance of witnesses and the production of books and papers upon any proceeding authorized by this act and by said rules and regulations, and witnesses for whom subpoenas shall be issued shall not be entitled to any fees. Each commissioner, the superintendent and the clerk of the board is hereby authorized and empowered to administer affirmations and oaths to any person summoned and appearing in any matter or proceeding authorized as aforesaid, or to take any deposition necessary to be made under the rules and regulations of the board, or in conducting the business of the department; and any willful and corrupt false swearing, by any witness or person, to any material fact in any necessary proceedings under the said rules and regulations, or under this act, shall be deemed perjury, and be punished in the manner now prescribed by law for that offense; and in case any person subpoenaed under this section shall fail to or refuse to obey such subpoena, or refuse to take, when required, the proper oath or affirmation, or to answer any proper question, or to produce such books and papers, the board may apply to any court of record or judge or justice thereof for an order to compel attendance and punish disobedience; and any process issued under the provisions of this section may be served or executed by any member of the force except the one issuing the same.

Issue of criminal warrants.

Subpoenas.

Affirmations and oaths.

Penalty for false swearing.

Attendance of witnesses, how compelled.

Process, how served.

§ 196. The members of the police force shall possess, within the state of New York, all the common law and statutory powers of constables, except that of serving civil process; and any warrant for search or arrest issued by any magistrate of the state may be executed in any part thereof by any member of the force. The actual and necessary expenses incurred by any member of the force, when directed by the superintendent, board of police or district attorney of the county of Erie in serving or executing any process, or endeavoring to detect, discover or arrest, or procure the extradition of, any perpetrator of crime against the laws of the state, including the expense of legal counsel without the state, or discover or reclaim any stolen property, shall be a charge against the county of Erie; and the account of such

Police to have powers of constables.

Expenses incurred by a county charge.

Account,
how made
out and
audited.

expenses shall be made out in detail, and verified by the oath of the party to whom the same is due to the effect that the sums therein charged have been actually and necessarily paid out by him, and the amount thereof when audited and certified by the board shall be presented to the board of supervisors of the county of Erie, to be audited and paid as the other county expenses are audited and paid.

Advances
for ex-
penses and
secret ser-
vice fund.

§ 197. For the purpose of providing for the expenses mentioned in the preceding section, and for a secret service fund, the common council shall advance to the superintendent, out of the police fund, such sums as the board shall from time to time recommend, not exceeding in the aggregate three thousand dollars in any one year.

Superin-
tendent.

Duties of
police
force.

§ 198. The superintendent shall, at all times, cause the ordinances of the city to be enforced. The police force, at all times, within the city, shall preserve the public peace, prevent crime, detect and arrest offenders, suppress riots and insurrections, protect the rights of persons and of property, guard the public health, preserve order at every primary and public election; report all the dangerous places and obstructions in, and encroachment upon the streets to the department of public works, remove such nuisances existing in public streets, roads, places and highways as the board of police or the board of health shall direct; suppress disorderly houses and houses of ill-fame, arrest all street beggars and violators of law, assist the firemen and protect them in the discharge of their duties; assist, advise and protect strangers and travelers in the public streets, at steamboat and ship landings and railway stations; and enforce every law and ordinance for the suppression and punishment of crime.

Arrests
without
process,
and pro-
ceedings
thereupon.

§ 199. Each member of the police force shall have authority, immediately and without process, to arrest and take into custody any person who shall commit, or threaten, or attempt to commit, in his presence or within his view or knowledge, any breach of the peace, or any offense prohibited by the laws of this state, or by any ordinance of this city. He shall forthwith convey every person arrested by him before one of the justices of the peace, to be dealt with according to law.

Detention
of offender.

But if no justice of the peace is holding court, then the offender may be detained in the station-house until the public sitting of the police justice, before whom he may be tried or held to bail and he shall then be conveyed without delay, before such police justice, to be dealt with according to law. While at any station-house such person shall be furnished with necessary and proper food; and the board of police shall include a sum to meet the expense thereof in its annual estimate and such expense shall be a charge against the county of Erie.

Food for
prisoners.

§ 200. The board shall issue to each member of the police force a proper warrant of appointment, signed by the board and countersigned by the clerk which warrant shall contain the date of his appointment and his rank. Each patrolman detailed to duty as a detective shall have issued to him a written order of detail, signed by the superintendent and countersigned by the clerk of the board, and the revocation of such detail shall be issued in like manner. Each member of the police force shall, before entering upon the discharge of his duties, take and subscribe the usual constitutional oath of office before one of the commissioners.

Warrants
of appoint-
ment.

Order of
detail for
detective
duty

§ 201. The superintendent shall, before entering upon the duties of his office, execute to the city and file in the office of the city clerk a bond, the penal sum of which shall be fixed by the board, with two or more sufficient sureties to be approved by the mayor, conditioned

Oath of
office.

Bond of
superin-
tendent.

for the faithful performance of his duties as such superintendent, and for the accounting for and payment of all moneys that shall come into his hands or under his control as such superintendent. The board shall also require security to be given by the assistant superintendent, the clerk and such members of the force as it may designate, for the faithful performance of their respective duties. During the absence from the city or other inability of the superintendent, the assistant superintendent shall perform the duties of that office. The board may prescribe and regulate the duties of the superintendent and the assistant superintendent, and other officers and members of the police force, conformatory to the provisions of this act.

Security
by officers,
etc.

Absence of
supt.

Regulating
of duties.

§ 202. Every criminal process issuing out of any police court, or from any justice of a court not of record residing in the city, shall be served or executed by a member of the police force, and not otherwise; but the board shall detail as many patrolmen as may be necessary, and as the sheriff of Erie county shall require, to attend the terms of the superior court of Buffalo, and no constable or deputy sheriff shall be paid by the city or county for any services in said court. The necessary expenses incurred in the execution of any criminal process within the city and county shall be a charge against the county of Erie, and the amount thereof when certified by said board, shall be audited and paid in the same manner as other county charges.

Criminal
process,
how
served,
etc.

Attend-
ants for
superior
court.

Expenses
in execu-
tion of
process.

§ 203. The board shall cause to be kept general complaint books, in which shall be entered any complaint of a police nature, with the name and residence of the complainant. The superintendent shall cause to be kept books of registration of lost, missing and stolen property, and books of record, wherein shall be entered the name, age and residence of every member of the police force, and such other matter as may be prescribed by the board; also such other records as the board may deem necessary.

Books and
records.

§ 204. The superintendent shall exercise general police supervision and inspection over all pawnbrokers, junkshop keepers, cartmen, hackmen, dealers in second-hand merchandise, intelligence-office keepers, and auctioneers of watches and jewelry, and all other licensed places in the city. The superintendent and captains within their precincts may, by authority in writing, empower any member of the police force who shall be in search of property feloniously obtained, or of suspected offenders, to examine the books and business premises of any pawnbroker, and the business premises of any junkshop keeper, dealer in second-hand merchandise, or intelligence-office keeper. Any member of the force so authorized, and having in his possession a pawnbroker's receipt or ticket, may examine the property purported to be pawned or deposited on the receipt or ticket; but no such property shall be taken from the possessor thereof without due process or authority of law.

Supervi-
sion over
pawn-
brokers,
etc.

Examina-
tion of
books and
property.

§ 205. If any member of the police force, or if any two or more householders shall report in writing, over his or their signature, to the superintendent, that there are good grounds, and stating the same, for believing that any house, room or premises within the city is kept or used as a common gaming-house, common gaming-room or common gaming premises, for the playing for wagers of money at any game of chance, or is kept or used for any lewd or obscene public amusement, or the deposit or sale of lottery tickets or lottery policies, it shall be lawful for the superintendent to authorize any member or members of the police force to enter the same. The member so authorized shall

Powers as
to gaming
houses,
rooms,
etc.

Obscene
amuse-
ments
and lot-
teries.

Arrest of persons and seizure of implements.

forthwith arrest all persons there found offending against any law, and shall seize all implements of gaming, lottery tickets and lottery policies found therein, and convey any person so arrested before the police justice, and bring the articles so seized to the office of the superintendent. It shall be the duty of the superintendent to cause the arrested person or persons to be rigorously prosecuted and the seized articles to be destroyed.

Patrolmen at election polls.

§ 206. The superintendent shall detail, on the day of any election in the city, and on the night and day following if necessary, one or more patrolmen to each election poll, who may have access to the room or place in which the ballots are being received and counted. The board shall provide ballot and other boxes, for use at any election in the city, and provide for the custody of such boxes at all times, except during the taking, receiving and counting of ballots. The city shall pay the expenses of procuring and taking care of such boxes as are used at elections.

Ballot-boxes.

Measures for orderly elections.

§ 207. The superintendent shall take proper measures to have elections conducted in an orderly and fair manner, as provided by the election laws of the state.

Fees not chargeable without consent.

§ 208. No fees or compensation whatever shall be charged or received by any member of the police force, except from the city or county for the arrest, confinement or discharge of any person, or for mileage and travel, or for serving any process, or for discharging any other duty required by this act, without the consent and approval of the board, nor shall any such fee or compensation be charged or received by any officer or citizen for the arrest of any person charged with crime, or for the service of any process in any criminal case, without such consent and approval. The actual, necessary and reasonable traveling expenses, which shall include board as well as transportation, incurred by any member of the police force, or by any citizen who may have been selected to execute any process issued within the city, in executing any such process or discharging any duty required of him by the district attorney of the county of Erie, or by any police justice, judge of a court of record, or criminal court held within the city, shall be audited and allowed by the board of police, and be paid by the superintendent, but such charges shall only be allowed upon the affidavit of the person making them that such expenditures have been actually and necessarily made and shall not include any items for traveling expenses in cases wherein transportation has been furnished to the party gratuitously.

Traveling expenses how audited and paid.

Affidavit of expenditures.

Permits to carry pistols.

§ 209. The superintendent may, upon application in writing, setting forth under oath sufficient reasons, issue to any person a permit in writing to carry a pistol or pistols in the city. If such person shall be a private watchman, whose employers recommend the issuing of such permit and whose duties may require the use of such weapon or weapons, such permit shall be issued without charge. For all other such permits issued said superintendent shall charge and receive an annual fee of two dollars and fifty cents, in advance. Such permit shall not continue in force for more than one year, but may in the discretion of the superintendent, be revoked, or renewed from time to time upon the payment in advance of the fee of two dollars and fifty cents for each year. The superintendent shall keep a register, upon which shall be entered the name, residence and occupation of every person to whom he shall issue such permit, the date of issue or renewal, and the fee received for the same; and all the fees so received by him shall be deposited monthly in the city treasury to the credit and for the use

Registration thereof.

Deposit of fees.

of the police pension fund hereinafter mentioned. No person, other than members of the police force, regularly elected constables, the sheriff of Erie county, and his duly appointed deputies, shall, in the city, carry concealed upon or about his person, any pistol or revolver, or other dangerous weapon or weapons, without having first obtained a permit, as hereinbefore provided; and such permit shall be produced and exhibited by any person holding the same, upon the request of a member of the police force. A violation of any of the provisions of this section shall be a misdemeanor and punishable as such; and all fines imposed and collected for such violations shall be deposited to the credit of said pension fund by the clerk of the court imposing the same.

Carrying concealed weapons prohibited.

Exhibition of permits.
Penalty.

Deposit of fines.

§ 210. The superintendent shall, either personally or through the captains of the respective precincts, subject to such reasonable regulations as the board may, from time to time, adopt, issue licenses to residents of the city who own or keep a dog or dogs, to permit such dogs to run at large within the city limits. Each dog must, at all times, wear a suitable collar, to which shall be attached a tag or plate, to be furnished by the superintendent bearing the number of the license issued for it, and all dogs so licensed shall be subject to such provisions of law or ordinances as may be enacted. Such licenses shall be for the term of one year, and shall only be granted upon the payment, in advance of the sum of one dollar for each dog and two dollars for each bitch so owned or kept. It shall be the duty of every person residing in the city, who owns or keeps such an animal to apply to the captain of the precinct in which he resides, or to the superintendent for a license for each such animal so owned or kept by him; and if such person fail to apply for and take out such license within twenty days after being notified so to do by any member of the police force, he shall for each offense, be liable to a fine of five dollars, to be sued for and collected in the municipal court of Buffalo, upon the complaint of the superintendent or any member of the police force, together with the cost of such proceeding. Any member of the police force is authorized to destroy by any means other than poisoning any such animal not duly licensed and whose owner is not known or who fails to comply with this section. The superintendent shall keep a record of all licenses issued, and shall deposit all fees received therefor with the treasurer of the city, who shall credit the same to the police pension fund. All fines collected under the provisions of this section shall be deposited to the credit of said fund.

Dog licenses.

Collar to be worn.

Term of license and fee.

Application for licenses.

Penalty.

Destruction of dogs.

Record.

Deposit of fees and fines.

§ 211. All rewards or gifts that may be paid or given to any member of the police force for his service, except when the board allow him to retain the same, and all moneys arising from the sale of unclaimed goods remaining for the space of one year in the hands of the clerk of the board, and all fines imposed by the board upon members of the police force, and all fees received and fines imposed under the two preceding sections, and all moneys, pay, compensation or salary or any part thereof, forfeited, deducted or withheld from any member or members of the police force, for or on account of absence for any cause, lost or sick time, sickness or other disability, physical or mental, shall be paid monthly by the board, and five per centum of all fees for licenses for the sale of liquors, wines, ale and beer, and five per centum of all fines and penalties imposed for any violation of the excise law shall be paid weekly by the board of excise (provided, however, that the said five per centum of license fees, fines and penalties shall not exceed the sum of fifteen thousand dollars in any one year) all of which sum shall be

Police pension fund, how created.

deposited with the treasurer of the city, and be by him invested or deposited when, from time to time, directed by the board, as a fund to be called the "police pension fund." The treasurer of the city shall be the treasurer of such fund. The members of the board of police and treasurer of the city shall be the trustees of the police pension fund, and shall have the power to grant pensions as herein provided, to be paid from the police pension fund by the treasurer upon the order or warrant of the board of trustees. Immediately upon this act taking effect, the present trustees of the police life insurance fund shall deliver the fund, including all investments belonging to the same, to the treasurer of the city for the uses and purposes of the police pension fund hereby created as hereinafter declared. The treasurer shall make all necessary contracts and take all necessary proceedings in relation to the fund, in his name, as treasurer of the police pension fund of the city. Pensions shall be granted by the board of trustees of the police pension fund in the following cases:

Treasurer. 1. To the widow of any member of the police force who shall have been killed while in the actual performance of police duty or who shall have died from the effects of an injury received while in the actual discharge of such duty, the sum of three hundred dollars per year so long as she remains unmarried. And if there be no widow of such deceased member, then such annual pension shall be paid to his child or children him surviving, if any, so long only as such child or children, or the youngest of such children, shall continue under the age of sixteen years. No pension shall be paid under this title to any child over sixteen years of age. And if there be no such widow child or children of such deceased member, then such pension shall be paid to his parent or parents, provided such parent or parents were dependent upon such deceased member for support, and for such time only as such pension shall be necessary for the support of the parent or parents.

Trustees of fund. 2. To any member of the force who, while in the actual performance of police duty, and by reason of the performance of such duty, and without fault or misconduct on his part, shall be injured or become permanently disabled, physically or mentally, so as to unfit him for the performance of full police duty, the sum of not more than one-half nor less than one-fourth of his rate of compensation per year.

Delivery of life insurance fund to treasurer. 3. To any member of the force who, by long service and exposure while in the actual performance of police duty and by reason thereof, has contracted any disease or disability which incapacitates him permanently from performing full police duty, without fault or misconduct on his part, upon his retiring from the service or being dismissed on account of such disease or disability, the sum of three hundred dollars per year, if he has served as such member for ten years; the sum of four hundred dollars per year, if he has served as such member fifteen years, and a yearly sum equal to one-half the full pay of a member of such police force of the rank of the member so retiring or dismissed, if he has served twenty years or upwards. No pension shall exceed the sum of one thousand dollars per year in any case. Pensions provided for in the second and third subdivisions above shall not be granted except upon the sworn certificate of the surgeon of the police and upon the unanimous resolution to that effect by the members of the board of trustees of the police pension fund. Where a pension is being paid under the second and third subdivisions, and the person so receiving it dies of the disease or disability contracted in the service

Pensions.

To widows of deceased members.

To children.

To dependent parents.

To members disabled for duty.

To retired or dismissed members.

Limitation

Certificate of surgeon.

Continuance of pensions after death.

of the city in its police force, said pension shall be continued to the same class of persons and in the same manner as is provided in subdivision first in case of a member killed in the performance of his duty. The police matrons shall be granted the privileges of this fund, so far as it relates to their children. Nothing herein contained shall affect the claim of any annuitant to whom an annuity has heretofore been allowed from the police life insurance fund, but such annuity shall be paid by the treasurer out of the police pension fund, so long as the board shall so direct, the same as if the claim thereto had arisen subsequent to the time when this act shall take effect. And the board of trustees may, in their discretion, and by a majority vote, and in accordance with the provisions of this act, grant pensions to widows of deceased members and to annuitants under the police life insurance fund where death or retirement has occurred prior to the passage of this act, and has been caused by disability acquired in service and in the line of duty. In computing the time of service of any member of the police force for the purposes of this section, the term of service of such member on any regular police force of the city shall be computed and taken the same as service on the police force of the city, and it shall not be deemed necessary for the purposes of this section, that such service shall have been continuous. All officers who are retired under the provisions of this act and who are drawing pay from the said pension fund may, when able to act, perform duty in case of emergency, and may be accepted to perform temporary duty by the commissioners when satisfied that they are able to serve. While so serving on temporary duty they shall be entitled to receive compensation not exceeding three dollars per day, in the discretion of and to be fixed by the board, for every day or part of a day that they shall so serve, in addition to their pension, which shall not be in any manner affected by such temporary service. All pensions provided for herein shall be payable monthly and shall be exempt from attachment and execution. This title shall be considered as applying to any officer of the superior court of Buffalo appointed pursuant to chapter two hundred and forty-three of the laws of eighteen hundred and eighty-eight, who shall have performed police duty for a period of twenty years or upwards, including the period of service in said court, upon his own application and upon the certificate of the surgeon to the police, certifying that such policeman or officer is physically disqualified from performing police duty.

Police
matrons.

Proviso as
to annu-
ties and
pensions
under
life in-
surance
fund.

Time of
service,
how com-
puted.

Temporary
duty by
retired
police.

Payments.

Title ap-
plicable
to officers
of superior
court.

Custody of
money and
property
taken by
police.

Registra-
tion.

Return of
property,
etc., to
accused
person.

§ 212. (1.) All money or property alleged or supposed to have been feloniously obtained, or which shall be lost or abandoned, and thereafter taken into the custody of any member of the police force, or of any criminal court in the city, or which shall come into the custody of the police justice or a justice of the peace within said city, shall be by such member or justice, or by order of said court, given into the custody of and kept by the clerk of the board, and shall be particularly registered by the clerk in the book kept for that purpose, which shall also contain a record of the names of the persons from whom such money or property was taken, and of the claimants thereof, the time of its seizure, and the final disposition thereof.

(2.) Whenever property or money shall be delivered to the clerk of the board as aforesaid, and the magistrate or court, before the case shall be heard, shall be satisfied from evidence that the person arrested is innocent of the offense alleged, and that the property rightfully belongs to him, such magistrate or court shall thereupon, in writing, order such property or money to be returned to such person, and the

clerk of the board, if he have it, shall deliver such property or money to the accused person himself, and not to his attorney, agent or clerk.

Custody of
claimed
property,
etc., dur-
ing trial.

Delivery to
claimant.

Redelivery
to accused
person.

Clerk may
advertise
and sell.

Proviso.

Property
taken on
suspicion,
etc., to be
registered
and adver-
tised.

Determi-
nation of
ownership.

Redelivery
to non-
residents.

Property
lost or
taken
from in-
sane or in-
toxicated
persons.

Notice of
property
in hands of
clerk.

Sale
thereof.

(3.) If any claim to the ownership of such property or money shall be made on oath, before the magistrate or court, by, or on behalf of any other person than the one arrested, and the accused person shall be held for trial or examination, such property or money shall remain in the custody of the clerk of the board until the discharge or conviction of the person accused. If the person accused shall be held for trial or examination, and shall be afterwards tried upon the charge of having feloniously taken or obtained such property from the person by whom or on whose behalf the claim shall be made, and shall be convicted on such charge, then the board shall direct such property to be delivered to the claimant, or his duly authorized agent, upon the certificate of the district attorney of Erie county, or his deputy, or the judge or magistrate who presided at the trial at which such conviction was had. If the accused person shall be tried and shall be acquitted and discharged then the board may, upon the certificate of either of the above-named officers, direct the property to be redelivered to the accused person, on his making oath before any member of the board or before the clerk that he is entitled to its possession. If the accused person shall not demand the property and make the oath, or if the board shall be satisfied that he is not entitled to the possession of the property, the clerk shall advertise and dispose of the property in the manner hereinafter provided. The provisions of this subdivision shall not apply to cases provided for in subdivision two of this section.

(4.) All property or money taken on suspicion of having been feloniously obtained, or of being the proceeds of crime, and for which there is no other claimant than the person from whom the same was taken, and all property and money, taken from pawnbrokers as the proceeds of crime, shall as soon as practicable, be transmitted to the clerk of the board, to be by him duly registered. The clerk shall give notice that he has received such property by publishing such notice in the official paper once a week for three weeks. At the expiration of the three weeks, the board shall determine what person is lawfully entitled to the possession of the property and shall direct the return of the same to him. It shall be delivered by the clerk as directed by the board. If the person from whom such property shall be taken shall be a non-resident of the city, and the board shall determine, upon examination, that the circumstances are not such as to justify the detention of the property, then it may direct it to be redelivered to such person before the expiration of the three weeks.

(5.) All lost property coming into the possession of any member of the police force, and all property taken by any member of the force from any person supposed to be insane, intoxicated or otherwise incapable of taking care of himself or herself, shall, as soon as practicable, be transmitted to the clerk of the board, to be duly registered, and shall be delivered to the owner or person entitled to its possession, upon proof to the satisfaction of the board, or the clerk thereof, that such person is the owner or entitled to the possession of the property.

(6.) When money or property shall remain in the possession of the clerk for six months unclaimed, or where the board shall not have directed it to be delivered to any person, the clerk shall publish a notice in the official paper once a week for three weeks, that he holds the same. If no person lawfully claims the property the clerk shall sell it at public auction, giving notice of the time and place of such sale,

by publishing the sale daily for one week previous thereto in the official paper of the city. The proceeds of such sale and any unclaimed money shall be paid by the clerk of the board to the treasurer of the city and become a part of the police pension fund. Disposal of proceeds.

(7.) Any property or money in the custody of the clerk desired as evidence in any criminal proceeding, shall be temporarily delivered for that purpose to any officer who shall present an order therefor from a court, magistrate or district attorney. Property detained as evidence.

(8.) When conflicting claims shall be made to any property in the custody of the clerk, under the provisions of this section, the said board or the said clerk may require from any claimant, as a condition of the delivery of such property to him, that such claimant execute and deliver to the said clerk to be filed by him in his office, a bond, with sufficient sureties, to be approved by said board, conditioned to indemnify and save harmless the said board and each and every member thereof, and the said clerk from and against all suits, judgments, demands, causes of actions, cost and damages of every nature and description by reason of or in any manner growing out of the delivery of such property to such claimants, and from and against the payment of any and all sums of money which the commissioners or either of them, or the said clerk, may be compelled to pay by reason of such delivery; such bonds shall be in such form as the board shall prescribe, and shall be executed to the board of police as the obligee therein; and for any breach of the condition thereof an action may be maintained thereon in the name of the said board as plaintiff, and any recovery thereon shall be in the name of said board, but for the benefit of the commissioners or commission, or clerk, as to whom the said breach shall have occurred. Bond from conflicting claimants.

§ 213. All accounts against this department for services, labor, or material and merchandise, except accounts for executing or endeavoring to execute criminal process, or for arresting or extraditing, or endeavoring to arrest or extradite criminals, and those payable out of the secret service fund, shall be made out in detail and certified by the board, before they are presented to the common council for audit. Action for breach thereof.

§ 214. The board shall, in each year, make an estimate of the sums of money necessary for the administration of the affairs of the department of police, and for defraying the expenses of said department for the ensuing official year, including all sums necessary for salaries, for expenses in the execution of criminal process, for office accommodations and supplies, for warming, lighting, furnishing and supplying police station-houses, patrol barns and all buildings in use or to be in use by the said departments; for necessary legal expenses, and all expenses which may necessarily be incurred by reason of any civil or criminal action or proceeding against the commissioners of police, or either of them or against any member of the police force for acts done in the discharge of his or their duty; and also for any deficiency which in the judgment of said board, may arise in the police pension fund in meeting the charges payable out of said fund as hereinbefore provided. The said estimate shall be signed by the board or a majority thereof and shall be by the said board, on or before the first day of February in each year, transmitted to the comptroller. Any sum which may be allowed and raised upon an estimated deficiency in the police pension fund shall be held by the city treasurer for the uses and purposes of the police pension fund. Accounts against department.

§ 215. The superintendent shall have the control of the force under him which must look to him for all orders and directions. All reports Annual estimate of expenses.

Deficiency in pension fund

Powers, etc., of supt.

Quarterly
reports to
board.

Annual
report to
council.

Detail of
police for
depart-
ments

Inquiry
into char-
acter of
persons
applying
for excise
licenses.

Certain
offenses,
misdeme-
anors.

Annual
statement
to super-
visors.

Levy of
taxes.

must be made to him by the force through the proper channels and he will be held responsible for the discipline and effectiveness of the force and the enforcement of all the orders, rules and regulations of the board. He shall make to the board quarterly reports in writing of the state of the police force, with such statistics and suggestions as he may deem advisable to submit for the improvement of the police force and the discipline thereof. The board shall, on or before the first day of February in each year, make a report to the common council upon the condition of the police force together with such recommendations as the board may deem necessary.

§ 216. The superintendent shall, when directed by the mayor, detail a sufficient number of the police to render any assistance required by the head of any department in the discharge of his duties. The captains of police shall in their respective precincts examine the premises and inquire into the character of the persons applying to the board of excise for license under the provisions of this title whenever said application shall be referred to them by the board of excise, and shall report in writing to said board the fitness of such persons to receive licenses and the propriety of granting the same.

§ 217. Any willful resistance to any member of the police force, while in the discharge of his duties, and any willful or malicious interference with, or obstruction, or defacement of any police telegraph line or apparatus, or any street box used in connection therewith, by any person shall be a misdemeanor. It shall also be a misdemeanor for any person not a member of the police force falsely to represent himself to be such a member.

§ 218. The board shall furnish annually to the board of supervisors of Erie county an accurate statement of all moneys paid out, by the superintendent during the preceding year, under the requirements of this title. It shall be the duty of the county treasurer to pay over the money raised under the provisions of this title to the treasurer of the city. The supervisors of the county are hereby authorized, empowered and required, from time to time, to levy and raise by taxation, all sums of money required to carry into effect the fiscal provisions of this title affecting the county, and necessary for the payment of all sums which by the provisions of this title shall become a charge against the county.

CHAPTER III.

SEALER OF WEIGHTS AND MEASURES.

Sealer of
weights,
etc., and
assistants.

§ 219. The board of police shall appoint a sealer of weights and measures and such assistants as he may require, and provide suitable office accommodations for him at the police headquarters. He shall hold his office for one year, and receive such compensation as may be fixed by ordinance.

Duties of
sealer.

§ 220. The sealer of weights and measures shall test all scales, weights and measures in the city as directed by ordinance and shall investigate all complaints of violations of the ordinances of the city relating to weights and measures, and for that purpose, or whenever directed by the board, shall report to the corporation counsel all violations of the ordinances of the city relating to weights and measures, and the corporation counsel shall thereupon bring an action to enforce the fine, penalty or forfeiture prescribed for such violation.

Actions for
fines.

Weekly
reports.

§ 221. The sealer of weights and measures shall report in writing his official acts to the board at least once in each week, and such sealer

of weights and measures and assistants shall be appointed under the civil service rules.

CHAPTER IV.

DEPARTMENT OF EXCISE.

§ 222. The board of excise shall have all the powers conferred by law on boards of excise in cities. It shall have power and authority to grant licenses for the sale of strong and spirituous liquors, wines, ale and beer, and fix the fees therefor, as provided by law; it shall also have power to grant to licensed pharmacists actually doing business as such, special licenses for the sale of alcohol, strong and spirituous liquors, wines, ale and beer, in quantities less than five gallons, and not to be drunk upon the premises, for medicinal, mechanical, chemical and sacramental purposes, but the fees for such licenses shall not be less than the minimum fee now fixed by law for a storekeeper's license; it shall also have power and authority, and it shall be its duty, to revoke any license granted by it or by any preceding board, whenever it shall appear to its satisfaction, or when sufficient proof is made that the person to whom the license is granted is not a person of good moral character, or is a person who permits the premises in which liquor is sold to become disorderly, or anything to be done or committed therein or thereon contrary to peace or good order, or who violates any provision of the excise law.

Powers of board of excise.

§ 223. The board shall appoint, and may at pleasure remove, a clerk, an excise inspector and such other employes as may be required, and fix the salaries of such employes, with the concurrence of the common council.

Appointments and removals by board.

§ 224. All fees for licenses which shall be issued by the board, and all fines and penalties imposed for any violation of the excise law, shall be paid to and received by the clerk of the board, and be paid daily to the treasurer of the city, who shall credit the same to the excise fund less five per centum, which shall be paid to the treasurer for the police pension fund.

Fees and fines payable to clerk.

§ 225. The clerk of the board shall, before entering upon the duties of his office, subscribe and take before one of the commissioners an oath of office and also execute and file with the city clerk a bond in the penal sum of twenty-five thousand dollars, with two or more sufficient sureties, to be approved by the mayor, conditioned for the faithful performance of his duties as such clerk, and for accounting for and paying over to the treasurer of the city all moneys which shall come into his hands or under his control as such clerk; said bond shall be to the city as the obligee therein, and the city may maintain an action against the said clerk, and his sureties on said bond, for any breach of the conditions of the bond. The clerk shall make to the city treasurer a daily report of all moneys received by him, which report shall be certified by the chairman of the board, or in his absence, by some other member of the board. The clerk shall also take from the treasurer his receipt in duplicate for all moneys deposited with such treasurer on each day, and one of such receipts shall be deposited daily with the comptroller. The clerk shall keep an accurate record of the proceedings of the board, and perform such other duties as the board may prescribe.

Oath and bond of clerk.

Daily report to treasurer.

Receipts for deposits. Record of board.

§ 226. It shall be the duty of the excise inspector to make an examination of any and all premises for which a license is asked when

Excise inspector, his duties.

Security.**Detail of officers for investigations.****Power to issue subpoenas, etc.****Attendance of witnesses, how compelled, etc.****False swearing.****Hearing of complaints for violations.****Accounts against department.****Acceptance of sureties.****Duty of obligees in bond.**

required by the board, and to make a fair and truthful report thereon; to examine into and report any violation of the excise law, and to perform such other duties as the board may prescribe. He may, in the discretion of the board, be required to furnish security for the faithful performance of his duties. The superintendent of police shall detail an officer or officers to make any special investigation with reference to the granting or revoking of any license required of him by the board, and shall make a true report of said examination to the board, in writing or otherwise as the board may require.

§ 227. In any proceeding before the board of excise, the commissioners shall have power to issue subpoenas for the attendance of witnesses, and the production of books and papers; to administer affirmations and oaths, or take depositions. In case any person subpoenaed under this section shall fail or refuse to obey such subpoena or refuse to take when required the proper oath or affirmation or to answer any proper questions or to produce the required books and papers, the board shall apply to any court of record or a judge or justice thereof for an order to compel witnesses to attend and to take the proper oath or affirmation and to answer any proper question, and to punish disobedience, and any process issued under this section may be served or executed by the excise inspector or by any member of the police force. Any willful and false swearing by any witness or person, to any material fact in any proceeding or matter before the board, shall be deemed perjury.

§ 228. Any hearing or trial upon any complaint for violation of the excise law, may be conducted by either member of the board without the presence of the other member; but the testimony shall be taken in writing, and no decision shall be rendered, except by concurrence of the board, upon consideration of the evidence in the case. The person charged with such violation shall be served with a written copy of the charges against him and shall have the right to be represented by counsel and to produce witnesses and proofs in his behalf upon such trial or hearing. For any other business to be transacted, both commissioners shall be present and concur.

§ 229. All accounts against this department for services, labor, material or merchandise, shall be made out in detail, and certified by the board, before they are presented to the common council for audit.

§ 230. The commissioners shall not accept any one person as surety on more than one bond, unless such surety shall qualify for the aggregate amount of all such bonds. It shall be the duty of the obligees named in said bond to sue for the penalty thereof in case of any violation thereof, and, in the event of the recovery of the penalty, to pay the amount thereof into the police pension fund.

TITLE VIII.

DEPARTMENT OF HEALTH.

Health commissioner.**Board of health.****Term of commissioner.**

§ 231. There shall be a department of health, which shall be under the control and management of a health commissioner, who shall be appointed by the mayor and act under the advice and supervision of a board of health. The board of health shall consist of the mayor, president of the board of public works, and said health commissioner. The health commissioner shall hold his office for the term of five years from the time of his appointment and until his successor is appointed, and he shall devote his entire time to the duties of his office. He shall

be a reputable and licensed physician of not less than thirty years of age, and with an actual experience as a practicing physician of not less than five years.

Qualifications.

§ 232. The commissioner shall have supervision over the care, removal and burial or incineration of the dead, the registration of births, marriages and deaths, the registration of vital statistics in the city, and with the approval of the board he shall make such rules and regulations as he may deem necessary for the proper carrying out and enforcement of all laws and ordinances that may be prescribed for the government of said department, for the protection of the public health and for the proper care and registration of such statistics.

Powers and duties of commissioner.

§ 233. The commissioner is hereby authorized and directed to prepare such ordinances as he shall deem to be required for the protection of the public health, and for securing the proper registration of births, marriages, deaths and such other statistical information as may be necessary for the efficient working of the department, with penalties for their violation, which ordinances, when approved by the board, shall be by him submitted to the common council, and when approved by said common council, shall have the same force and effect as other ordinances of the city. No ordinance so prepared and approved, shall be repealed or amended without the approval of the health commissioner and board of health, and the common council shall adopt no ordinance relating to or governing the matters and things contained in this title, unless the same shall be recommended by the health commissioner and board of health.

Ordinances for protection of health, etc.

§ 234. The commissioner shall divide the city into eight health districts, and the board of health shall appoint a physician in good standing in the medical profession for each of said districts. The board shall also, in addition, appoint from the homœopathic school of medicine, two physicians for such districts as it may designate. The board may, at any time, remove any of said persons, and appoint a successor. The said physicians shall be known as city physicians of their respective districts. It shall be the duty of said city physicians to render medical service to indigent sick persons, as prescribed in title thirteen of this act, and to report to the department of health any nuisances or unsanitary places or violations of health ordinances or regulations that may come to their attention in connection with the performance of their duties. In case of epidemics or impending pestilence the city physicians shall perform such professional duties as may be required of them by the health commissioner.

Health districts and physicians therefor.

§ 235. The commissioner shall have power to appoint an assistant health officer, a clerk, a register of vital statistics, and inspector of plumbing and drainage who must be a practical plumber, a city chemist, a cattle inspector, a keeper of the quarantine hospital, a city scavenger and two inspectors of food supplies and drugs, and such other officers and employes as may be authorized by the common council. The board, with the concurrence of the common council, shall fix the salaries of all the city physicians and other employes, and the duration of the terms of office of all such employes shall be in the discretion of the commissioner of health; provided, however, that the whole expense of administering said department shall not exceed the sum appropriated therefor by the common council, except as provided in section seventy-three, and all expenditures so incurred, for whatever purpose, shall be made and met in such manner as is provided for in other departments of the city government and in the following sec-

Duty of city physicians.

Assistant health officer and employes.

Salaries and terms of physicians and employes.

Expenditures, how made and met.

Duty of police superintendent.

Measures for preservation of health from impending pestilence.

Power to enforce ordinances, etc., and to prohibit business.

To declare and abate nuisances.

Proviso as to interference with established rights, etc.

Plans for buildings and alterations to be submitted.

Powers of commissioner.

Removal of persons from buildings.

Registration of plumbers with board of health.

List to be published.

tion. It shall be the duty of the superintendent of police to execute the orders of the health commissioner when so requested by him.

§ 236. In the presence of great and imminent peril to the public health of the city, by reason of impending pestilence, it shall be the duty of the health commissioner to take such measures and do, order and cause to be done such acts and make such expenditures (beyond those duly estimated for as herein provided) for the preservation of the public health from such impending pestilence as he may, in good faith, deem the public safety and health to demand, and the board of health shall, in writing, approve; and such peril shall not be deemed to exist, except when and for such period as the board of health shall by proclamation declare.

§ 237. The commissioner shall have full power to enforce and carry out all ordinances, rules and regulations for the preservation of the public health, and for the registration of vital statistics as have been or may be hereafter enacted by the common council; and in case any business or practice is dangerous or detrimental to the public health, to prohibit the same, and to declare unwholesome grounds, yards, cellars, buildings and other places, stagnant or unwholesome waters, filth and unwholesome matter injurious to health, to be nuisances, and upon so declaring, the commissioner shall have power to abate the same in such manner as he may deem expedient, and the expense may be assessed upon the lands upon or in front of which said nuisances were, or upon the parcels of land benefited by the abatement of the nuisance, as the common council shall direct; but no established business or the rights to property of any person shall be interfered with or prohibited until the offender or offenders therewith charged shall have been duly summoned by notice of not less than one or more than five days to appear before said commissioner to show cause why such declaration or order of prohibition shall not be enforced against the party or parties or premises charged, nor until the said party or parties or persons interested in the premises shall have an opportunity to be heard, in person or by counsel.

§ 238. Any person or persons desiring to erect a building for use as a dwelling for more than three families, or for use as a livery stable or public barn in which live-stock of any kind is to be kept, a slaughter-house or a rendering establishment, or to alter or convert an existing building to such uses, shall submit the plans for such building or alterations to the commissioner, who shall have power if not prohibited by ordinance or law, to permit or prohibit the erection or alteration or conversion of any building to be devoted to such uses under such rules and regulations as he may adopt; and the commissioner shall have the power to cause the removal of persons from any building which, in his judgment, is so crowded by persons dwelling therein as to endanger the public health.

§ 239. (1.) Every master and journeyman plumber, or a person who has been engaged in the business of plumbing for five years next prior to the passage of this act, carrying on his trade in the city, shall under such rules and regulations as the board of health of said city may prescribe, register his name and address with the clerk of said board of health, and after said date it shall not be lawful for any person to carry on the trade of plumbing in said city, unless his name is registered as above provided.

(2.) A list of the registered plumbers in the city of Buffalo shall be published in the newspaper designated by the common council of said

city to publish the official proceedings of said city at least once in each year.

(3.) The drainage and plumbing constructed or placed in and about all buildings, both public and private, in the city of Buffalo, shall be constructed, executed, and placed in accordance with plans previously approved in writing by the board of health or the health commissioner. Suitable drawings and descriptions of said drainage and plumbing shall in each case be submitted to said board of health or commissioner, and shall be placed on file in the office of the board. Said board of health is hereby authorized to receive and place on file drawings and descriptions of the plumbing and drainage of buildings erected in said city prior to the passage of this act.

Drainage and plumbing, how executed.

Drawings and descriptions.

§ 240. The board of health of the city of Buffalo shall have power to make such rules and regulations for the registration of plumbers and for drainage in said city as such board shall deem proper, and to make all such rules and regulations as shall by it be deemed necessary to carry into effect the provisions of this title.

Rules and regulations.

§ 241. The commissioner shall have power to take measures to prevent the entrance of pestilential or infectious diseases into the city; to stop, detain and examine for that purpose every person coming from any place infected, or believed to be infected with such disease; to cause any person infected or believed to be infected with such disease, to be removed to such quarantine hospital as the city may maintain. And for such purpose the city shall maintain a quarantine hospital which shall be under the control and direction of, and whose necessary attendants shall be appointed by the commissioner. The commissioner shall have power to cleanse infected buildings, vessels, vehicles and places of all kinds, and to destroy furniture, clothing and other property so infected as to be dangerous to public health.

Prevention of entrance of diseases into city.

Quarantine hospital.

Cleansing of buildings, etc.

§ 242. Any court of record in the city, or any judge or justice thereof, shall have power, at any time after the service of notice of any violation of any provision of this title and upon the affidavit of the commissioner, to restrain in an action by the commissioner in his name of office, by injunction order, the further progress of any violation of the provisions of this title or of any work upon or about the building or premises upon which the said violation exists, and no undertaking shall be required as a condition to the granting or issuing of any injunction. Upon obtaining such injunction, the health commissioner shall record in the office of the clerk of the county of Erie an instrument under his hand setting forth a description of the premises against which such injunction is obtained, and the nature of the complaint against the same. The clerk of the county is hereby authorized and required to provide a suitable book in which to record such instruments and the necessary and proper indexes thereto. Upon such injunction being dissolved, or upon certificate of the health commissioner that the cause of complaint has been removed, the said clerk of the county is authorized and required to discharge of record the instrument so recorded relating to the property affected by such injunction.

Courts may restrain violations of act by injunction.

Record of property affected, etc.

Duty of county clerk.

§ 243. It shall be the duty of the commissioner to visit all hospitals in which patients supported by the city are received, at least once in each month, and to inquire into the condition of any such patients whom he may find therein, and to order the discharge of any such patients whom he shall deem to be sufficiently recovered, and he shall communicate such order to the department of poor; and after the issuing

Visitation of hospitals.

Discharge of patient.

of any such order the patient therein referred to shall cease to be a city charge.

Violation
of ordi-
nances.

§ 244. Any person violating any of the provisions of this title or any of the ordinances adopted under the powers granted by it, shall be deemed guilty of a misdemeanor.

TITLE IX.

DEPARTMENT OF FIRE.

CHAPTER I.

Board of
fire com-
missioners.

§ 245. There shall be a department of fire, of which the board of fire commissioners shall be the head. The board shall consist of three members, who shall be appointed by the mayor, who shall hold their offices for the term of six years, and until their successors are appointed. No more than two commissioners shall be adherents of the same political party. Vacancies in the board shall be filled by the mayor by appointment for the unexpired terms. The mayor may appoint commissioners to fill temporarily the places of commissioners unable to perform their duties by reason of mental or physical disability, or absence from the city; such temporary commissioners shall receive the compensation of the commissioners whose places they occupy for the time they serve.

Vacancies.

Temporary
commis-
sioners.

First
board.

Quorum.

§ 246. The commissioners in office at the time this act takes effect shall constitute the first board, and shall serve out the terms for which they were respectively appointed. Two members of such board shall be a quorum.

Not to be
interested
in pur-
chases,
etc.

Removals
for cause.

§ 247. No member of the board shall be interested in the purchase or sale of lands for the use of the department, in the construction and repair of engine-houses, or in the manufacture, purchase or sale of anything used in the department. Any member who shall be so interested, or who shall be guilty of misconduct in office, or who shall neglect his official duties, shall be removed by the mayor after due hearing on charges.

Meetings,
etc.

President.

Secretary.

§ 248. The board shall hold at least four regular meetings each month, and shall make rules to govern its proceedings. The commissioners shall elect one of their number to be the president of the board.

§ 249. The board shall appoint, and may at pleasure remove a secretary. He shall keep an accurate record of all proceedings of the board, and shall perform such other duties as it may prescribe. Records kept by the secretary, when duly certified by him, shall be received as evidence in all legal proceedings.

Records,
evidence.

Officers
and mem-
bers of
depart-
ment.

Salaries.

Present
officers
and mem-
bers, term
of.

§ 250. The board shall also appoint, and may after a public hearing on written charges remove a chief engineer, an assistant chief engineer, a surgeon of the department, a superintendent of horses, a chief operator, and such district engineers, foremen and other subordinates as it may deem necessary for the efficient working of the department, and it shall, subject to the approval of the common council, fix the salaries of all its employees. The officers and other members of the fire department in office when this title takes effect shall continue in office and hold their respective positions, or the positions herein designated which correspond to those which they shall then hold, unless reduced in rank or removed pursuant to the provisions of this act.

Vacations.

§ 251. The board shall annually grant to the chief engineer, assistant chief engineer and district engineer, a vacation of not more than fifteen consecutive days with pay, and to the other members of the

department, an annual vacation of not more than ten consecutive days with pay. They shall also grant to each and every member of the department two days' leave of absence in each month with pay, beginning at eight o'clock in the forenoon of one day and ending at eight o'clock in the forenoon of the following day. Such leave of absence may be suspended when public interests require it. They shall also grant to each member of the department three hours each day for meal-times, and grant to any member of the department who is disabled by sickness, half-pay for the time that said sickness shall exist, provided it be for no longer time than six months, and the said board shall grant to any member of the department who shall have become disabled by accident while in the performance of duty, full pay until he shall become able to resume his duties, provided it be for no greater time than one year. But in case of the sickness or other disability of any member, the said board may from time to time require the certificate or affidavit of the attending physician that such member is not able to perform his duties as a member of the fire department.

Leave of absence.

Meal hours.

Pay in case of sickness or disability.

Certificate of physician.

§ 252. The board shall control and manage the department. It shall have charge of the property used by the department, including the fire-alarm telegraph. It shall purchase such horses, supplies, engines, hose and other apparatus as may be required, and shall make repairs necessary to any of the property under its control, except repairs to buildings. It shall recommend to the common council the erection, alteration and repair of engine-houses and buildings for the department when necessary, and the plans therefor must be approved by it. It shall employ subordinates, whose duty it shall be to make repairs to engines, hose, wagons, ladders and other apparatus of the department, but such subordinates shall not be taken from the house in which they are employed to do such work at any other places in the department. It shall provide for the proper drilling and exercise of the officers, men and horses of the department, when not on active duty.

Control of property.

Purchases, etc.

Engine-houses.

Subordinates to make repairs.

Drills, etc.

§ 253. The board shall not order the expenditure of any money or make any contract except by the majority vote of all its members, which vote shall be taken by yeas and nays and entered upon the minutes. No expenditure or contract, exceeding or involving the sum of five hundred dollars, shall be made without the consent of the common council. Before the board shall enter into a contract for the performance of any work, or the purchase of any apparatus, materials or supplies, the expense of which shall exceed the sum of five hundred dollars, it shall cause a notice to be published in three successive numbers of the official paper, Sundays and legal holidays excepted, and in case of the purchase of apparatus for the department due and ample notice shall be mailed to such competing parties as the board shall deem advisable, inviting sealed proposals for the same, according to the plans and specifications to be filed in its office, and the contract shall be let to the lowest responsible bidder, who shall furnish security for its performance satisfactory to the board.

Expenditures and contracts.

Notices inviting proposals.

Award of contracts.

§ 254. The board shall make and enforce rules and regulations for the government of the officers and employes of the department in the discharge of their duties. They shall also adopt rules and regulations to prevent interference with the department and its apparatus, and such last-mentioned rules and regulations shall have the force and effect of ordinances when approved by the common council.

Rules and regulations.

§ 255. The board shall investigate the cause and origin of all fires in the city, and when deemed advisable testimony may be taken before it, which shall be reduced to writing and subscribed by the wit-

Investigation of origin of fires.

- nesses, and the board shall thereupon report it to the board of police, with its opinion as to the cause and origin of the fire. The board shall have power to issue subpoenas for witnesses to appear before it and testify upon any such investigation, and to produce before it books and papers, and each member of the board may administer an oath to such witnesses and examine them, and the books and papers produced by them. If any such witnesses shall refuse to appear or to produce such books and papers, or appearing, shall refuse to testify, the board may report such refusal to any court of record or a judge thereof, and such court or judge may make an order for the future appearance of such person or the production before the board of such books and papers and punish any disobedience of such order as a contempt of court.
- Issue of subpoenas.** § 256. The board shall make an annual report to the common council stating the expenditures of the year, the condition of the property under its control, the number and origin of the fires occurring during the year, and any other pertinent matters.
- Failure to appear and testify.** § 257. The chief engineer shall be the executive officer of the board, and shall perform such duties as may be imposed upon him by the board. In case of his absence or inability to act, the assistant chief engineer shall act in his place. The chief engineer, under the direction of the board, shall, by virtue of his office, be superintendent of the fire-alarm telegraph, and the board may appoint such number of operators and other employes as may be necessary for the management of said telegraph. No person connected with the department, except the commissioners, shall be engaged in any business or occupation other than that of the department.
- Annual report to council.** § 258. Each member of the board, the chief engineer, the assistant chief engineer, and each district engineer, shall have power, at all reasonable times, to enter and examine any premises, and they shall report to the board all violations of any ordinance for the prevention of fires.
- Chief engineer.** § 259. The board shall report to the corporation counsel any violation of the fire ordinances, and he shall thereupon bring an action to enforce the penalty or forfeiture prescribed for such violation. The corporation counsel shall not settle or discontinue any such action without the consent of the board.
- Fire alarm telegraph.** § 260. Each member of the board, the chief engineer, the assistant chief engineer, and each district engineer, may arrest or orally direct any policeman or person to arrest any one who disobeys his lawful order or who is intoxicated or disorderly at a fire, and cause the person so arrested to be confined temporarily or until the fire shall be extinguished.
- Not to engage in other business.** § 261. The engineer, the assistant chief engineer, or district engineer in command, with the concurrence of the mayor, or, if the mayor is not present, with the concurrence of one of the fire commissioners, may direct any burning building, or any other building which they may deem hazardous and likely to take fire and endanger the safety of other buildings, to be torn down, blown up or destroyed.
- Examination of premises.** § 262. Any person owning, or having any interest in, any building injured or destroyed by any act authorized by the preceding section, may, within three months thereafter, file with the city clerk a verified statement of the facts of such injury or destruction, and the damages claimed by him. If the claim is made within such time, and the city does not within two months compromise or pay it, the claimant may within one year after the building was injured or destroyed, present
- Violation of fire ordinances, report of, etc.**
- Arrests at fires.**
- Destruction of buildings at fires.**
- Claims for damages therefor.**
- Petition for commissioners of estimate.**

a petition to the supreme court or the superior court of Buffalo, for the appointment of three commissioners to ascertain the just compensation to be made to him. The petition shall be verified and a copy of it, with notice of the time and place, when and where it will be presented, shall be served on the corporation counsel at least fourteen days before the day when it shall be so presented. The court shall hear the proofs and allegations of the parties, and shall, in a proper case, appoint three persons to ascertain the just compensation to be made to the claimant, and fix the time and place of their first meeting. The commissioners shall be paid five dollars a day for their services. Such payment shall be made by the city.

Appoint-
ment of
commis-
sioners.

Compensa-
tion.

§ 263. The commissioners so appointed shall take and subscribe an oath that they will faithfully discharge their duties. Any of them may issue subpoenas and administer oaths to witnesses. A majority of them may adjourn the proceedings before them, from time to time, in their discretion. They shall view the premises, hear the proofs and allegations of the parties, and reduce the testimony taken by them, if any, to writing; and after the testimony is closed they, or a majority of them, all being present, shall, without unnecessary delay, ascertain and determine the amount which ought justly to be paid by the city to the claimant or claimants. In determining such amount, the commissioners shall decide whether the building so damaged or destroyed would have been destroyed by the fire, and if they decide that it would have been so destroyed, they shall not award to the claimant or claimants an amount exceeding the amount of valid insurance, which such claimant or claimants had then existing in their favor upon such building, and which they may have lost by its destruction. And if they shall determine that the said building would not have been destroyed by the fire, they shall award the full damages to the property, as determined by them.

Powers
and duties.

Determi-
nation and
award

§ 264. Every fireman, and every person who shall have served as a volunteer fireman without pay, in the city for the term of five years, shall be exempt from serving as a juror, and from all militia duty, except in cases of insurrection or invasion. A certificate from the mayor, under the city seal, shall be evidence of such exemption. The common council may grant certificates of exemption to members of the late volunteer fire department of the city, who were duly enrolled in any one of the companies of said department, in like manner and with the same effect as though they had served the full term of five years, without pay, as volunteer firemen.

Exemption
from jury
and militia
duty.

Certificates
to late vol-
unteer de-
partment.

§ 265. The money which is required by chapter one hundred and seventy-eight, of the laws of eighteen hundred and forty-nine, and the acts amendatory thereof, and supplementary thereto, to be paid to the treasurer of the city, shall be paid to the treasurer of the Firemen's Benevolent Association of Buffalo, and the bond required by such chapter shall be executed and delivered to him.

Payment
of certain
insurance
tax to as-
sociation.

CHAPTER II.

FIREMEN'S RELIEF AND PENSION FUND.

§ 266. There shall be established in the city of Buffalo a firemen's relief and pension fund, which shall consist of,

Fund, how
created.

1. All securities, property and moneys, which upon the passage of this act, are in the possession and under the control of the fire commissioners of said city, belonging to the firemen's relief fund.

Securities,
etc., of
relief fund.

Fines, etc., imposed on members. 2. All fines, penalties and forfeitures that from time to time may be imposed upon any officer or member of the fire department of said city by way of discipline, collectible from pay or salary.

Rewards, gifts, etc. 3. All rewards, fees, gifts or emoluments that may be paid or given for extraordinary services, rendered by any officer or member of said fire department, except when allowed to be retained by such officer or member by the board of fire commissioners, or given to endow a medal or other permanent competitive reward.

Proceeds from sales of property. 4. All moneys realized, derived or received from the sale of condemned, unfit, and unserviceable property belonging to or in the possession or under the control of said fire commissioners, where the same does not exceed the sum of two hundred and fifty dollars in value for any one article.

License fees. 5. All fees and moneys realized, received, or derived from the granting or issuing of licenses for the keeping or sale of fireworks, kerosene, coal oil, naphtha, gasoline, gunpowder and other explosive materials.

Moneys from fines, etc., under act and rules. 6. All moneys realized, derived or received from fines or penalties under the provisions of this act or under the ordinances of the city of Buffalo, or under the rules and regulations of the board of fire commissioners, for the prevention and extinguishment of fires, and for the conveying and removal of gunpowder, nitro-glycerine and other explosives, in and through the city or any part thereof, and the keeping and sale of fireworks, kerosene, coal oil, naphtha, gasoline, gunpowder and other explosive materials.

Board of trustees. § 267. The mayor, the members of the board of fire commissioners and the chief engineer of the fire department of the city and their successors in office, are hereby constituted the board of trustees of the firemen's relief and pension fund. The said board of trustees shall have the exclusive control, management and distribution of said fund.

Officers of board. The mayor shall be the chairman, and the chairman of the board of fire commissioners shall be the treasurer of said board of trustees. The secretary of said board of fire commissioners shall be the secretary of said board of trustees. Each of these officers shall serve without additional compensation. Said treasurer shall, from time to time, as said board of trustees shall direct, give a bond in such sum, not less than double the amount of money and negotiable securities in his hands at any one time, and upon such conditions as said board of trustees shall require. When this act takes effect, the mayor shall call a meeting of the officers hereby designated to constitute such board of trustees for the purpose of carrying the provisions of this chapter into effect. The said board of trustees are hereby authorized to adopt rules and regulations for its government; and it shall hear and determine all applications for relief or pension under this chapter and its decision shall be final and conclusive, and not subject to review or reversal except by said board of trustees. It shall cause to be kept a record of all its proceedings and meetings.

Bond of treasurer.

Organisation of board.

Powers and duties.

Retirement, etc., of officers and members by board. § 268. 1. The said board of fire commissioners shall have the power and authority by a majority vote to retire or discharge from all service in the fire department, any officer or member thereof who may be found on examination by the surgeon of the department, duly certified under oath, disqualified physically or mentally for the performance of his duties in the department by reason of disease or disability caused or induced by the actual performance of the duties of his position without fault or misconduct on his part.

Retirement upon application. 2. Every officer or member of said department who may have become permanently incapacitated from performing full duty as a fire-

man by reason of disease or disability caused or induced by injury or by long service and exposure while in the line of his duty as a fireman, without fault or misconduct on his part may on his own application be retired from service by a majority vote of such board, provided the applicant has been examined by the surgeon of the department and his sworn certificate filed, showing that the applicant is permanently disqualified from performing the duties of a fireman. A pension shall be granted and paid to each person so retired from the said fireman's relief and pension fund equal to one-half the annual compensation allowed him as a salary at the date of his retirement from the service, or such less sum in proportion to the number of officers and members so retired, as the condition of the fund shall warrant. But no officer or member of said department shall be entitled to any allowance as pension under the provisions of this chapter, during the time he shall be receiving full salary from said fire department.

Proviso

Pensions to retired members.

Proviso

3. The widow, minor child or children or dependent parent or parents of any deceased officer or member of said fire department, provided the death of such officer or member occurs during his service in said fire department and is caused or induced by injury or by long service and exposure while in the line of his duty without fault or misconduct on his part, or after he has retired on account of disability, or is discharged as hereinbefore provided by reason of his having become physically or mentally disqualified from performing his duty, shall be allowed and entitled to receive from said fund an allowance as pension. The amount of such pension shall be determined upon the following conditions :

Pensions to families of officers and members.

a. To the widow of such officer or member, the sum of twenty-five dollars per month. But upon her remarriage, such pension shall cease.

To widows.

b. To each child of such officer or member, under the age of sixteen years, the sum of five dollars per month. Upon the child attaining the age of sixteen years, such pension shall cease. In case the widow shall die or remarry, then the pension allowed to her shall be paid to the child or children of such deceased officer or member who shall be under the age of sixteen years. But all such payments to any child shall cease when such child becomes sixteen years of age. The whole amount paid to the widow and minor child or children of any officer or member shall not exceed one-half the annual compensation allowed such officer or member, at the date of his death or retirement.

To children.

Payments to widow and children, limited.

c. To the dependent parent or parents of such officer or member the sum of twenty five dollars per month. No pension shall be paid to a dependent parent or parents in case the officer or member of said fire department so dying shall leave him surviving, a widow or minor child or children. No more than one pension shall be paid in case both parents survive.

Pension to dependent parents.

4. Said board of trustees shall pay the pension as allowed and fixed by this chapter from said relief and pension fund, and said board of trustees may in its discretion, pay the pension of said minor child or children, to their mother or to their general or testamentary guardian, or to the person or persons who shall have the care and custody of said minor child or children, and the decision of said board of trustees as to what is deemed for the best interests of said minor child or children shall be final and conclusive, and payment according to its determination of the pensions herein provided for shall be a full discharge for the moneys so paid.

Payment of children's pensions.

**Applica-
tion of act.** 5. This chapter shall apply to all who now are or shall hereafter become officers and members of the fire department of the city of Buffalo, and all of such persons shall be eligible to the benefits secured by the creation of this fund.

**Pensions
on account
of retire-
ments and
deaths
previous
to act.** 6. Pensions as provided in subdivisions two and three of this section shall be paid to officers and members of the department who have been discharged or retired as therein provided and to the widow, minor child or children or dependent parent or parents of any officer or member who has been killed in the discharge of his duty or died on account of disability acquired in the service and in the line of duty previous to the passage of this act.

**Payments,
how made.** 7. All moneys ordered to be paid out of said pension and relief fund to any person or persons shall be paid by the treasurer only, upon warrants signed by the chairman of the board and countersigned by the secretary thereof, and no warrant shall be drawn except by the order of said board duly entered in the record of the proceedings of said board. Said board of trustees is hereby authorized to deposit said fund in any of the banks of the city of Buffalo upon receiving adequate security therefor, or to invest the same in bonds and mortgages on improved real property worth twice the amount loaned, or in bonds of the United States, or of this state, or of the city of Buffalo, or of any city, county, town or village of this state issued pursuant to the authority of the laws of this state. All interest, income or dividends which shall be paid or agreed to be paid on account of any such loan or deposit shall belong to and constitute a part of said fund.

**Deposit
and in-
vestment
of fund.**

**Interest,
etc.,
part of
fund.**

Proviso. Nothing herein contained shall, however, be construed as authorizing the treasurer to loan or deposit said fund or any part thereof unless so authorized by the board.

**Annual
report of
fund.** 8. The board of trustees shall make a report of the condition of said pension and relief fund, to the common council, in the month of January in each and every year.

**Real and
personal
property.** § 269. 1. The said board of trustees may take by gift, grant, devise or bequest, free from taxation, any real or personal property, the annual income of which shall not exceed in the aggregate the sum of thirty thousand dollars. In any year when the condition of the relief and pension fund shall render it in the judgment of the said board of trustees necessary, said board of trustees may receive from the authorities of the city of Buffalo, a sum not exceeding five thousand dollars, to be included in the annual estimates of the said board of fire commissioners, and drawn and collected by them in like manner as other moneys applicable to their expenses, and the amount so obtained shall at once be paid over to the said board of trustees, to be used as a portion of said relief and pension fund.

**Money
from city
authori-
ties.**

**Licenses
for sale of
explosives.** 2. No person shall store, keep for sale, sell or offer for sale in the city of Buffalo, any fireworks, kerosene, coal oil, naphtha, gasoline, gunpowder, or other explosives without first having obtained a license therefor from the board of fire commissioners and said board of fire commissioners are hereby authorized and empowered to issue such license, and to recommend ordinances to the common council, fixing the fee for such license, and for regulating the keeping and sale of fireworks, kerosene, coal oil, naphtha, gasoline, gunpowder, and other explosives in said city, and providing penalties to be paid for a violation of such ordinances and for dealing in and keeping for sale, or storing such articles, without having first obtained a license therefor from said board of fire commissioners.

**Recom-
mendation
of ordi-
nances**

Fines, etc.. 3. The treasurer of said board of trustees is hereby authorized and

empowered to receive, collect, sue for, and shall have the exclusive right of recovery of any and all fines and penalties which are to be paid into said pension and relief fund under this chapter. He may in his name as treasurer sue for, recover and collect the same, with costs, in the manner provided for in actions under the Code of Civil Procedure, and all moneys so collected by him shall become a part of this relief and pension fund. The said treasurer may in his name as treasurer bring any suit or action hereby authorized, and any action to recover any fee, fine or penalty under this chapter, or under said ordinances, may be brought in the municipal court of the city of Buffalo.

receipt and recovery of.

Actions, therefor, how brought.

§ 270. 1. The corporation council of the city of Buffalo, without additional compensation, shall, under the direction of the said treasurer, take charge of the prosecution of all suits or proceedings instituted for the recovery and collection of fines, penalties and the enforcement of the several provisions of this chapter, collect and receive all moneys upon judgments recovered, or in suits or proceedings so instituted, pay all costs and disbursements out of moneys collected by him under the provisions of this chapter, or received from the said treasurer for that purpose, and discontinue suits and proceedings and execute satisfaction of judgments upon payment of fines, penalties or costs in compliance with orders made in such suits or proceedings. He shall keep a correct and accurate register of all suits and proceedings and account for all money received and paid out thereon, and shall pay over to said treasurer the amount of all license fees, fines, penalties and moneys received and collected by him after deducting the amount of his disbursements actually incurred, and the said treasurer's receipt therefor shall be an acquittance of the moneys so collected and paid over by said corporation counsel. And said treasurer is hereby authorized to settle or compromise any suit or judgment for less than the amount of the same, with the consent of said board of trustees.

Duty of corporation counsel.

Register of suits.

Payment to treasurer.

Compromise of suits, etc.

2. Any officer or board of officers of the city of Buffalo who shall realize, receive or derive any money, which, under the provisions of this chapter is made a part of this relief and pension fund, is hereby directed to pay over the same on the first day of the month succeed* the receipt and collection thereof to the treasurer of the said board of trustees, to be used and applied as a part of said fund. These provisions shall apply to pay, compensation or salary, or any part thereof, collected, forfeited, deducted or withheld from any officer or member of said fire department, for or on account of absence for any cause, lost or sick time, sickness or other disability physical or mental, or for any fine, penalty or forfeiture imposed upon such officer or member by way of discipline.

Monthly payment of moneys by officers and boards.

Application of provisions.

3. All pensions granted under the provisions of this chapter shall be exempt from execution, attachment or any process whatever. The said fund shall be sacredly kept and held secure, and distributed and applied for the purpose of pensioning the persons named in this chapter, and for no other purpose whatsoever.

Pensions exempt from execution.

4. Every person, who knowingly or willfully, in any wise, procures the making or presentation of any false or fraudulent affidavit or affirmation concerning any claim for relief or pension, or the payment thereof, shall in every case forfeit a sum not exceeding two hundred and fifty dollars, to be sued for and recovered by and in the name of said board of trustees, and when recovered it shall be paid over to, and thereupon become a part of said relief and pension fund. Any person

Penalty for making false affidavit.

False swearing.

* So in the original.

who shall willfully swear falsely in any oath or affirmation in obtaining or procuring any pension or relief, or the payment thereof, under the provisions of this chapter, shall be guilty of perjury.

Transfer of
funds to
treasurer.

5. The said board of fire commissioners is hereby authorized and directed when this act takes effect, to pay and deliver the moneys and securities belonging to the said firemen's relief fund to the treasurer of the said board of trustees, the same to become and constitute a portion of the relief and pension fund created by this chapter.

TITLE X.

CHAPTER I.

DEPARTMENT OF PUBLIC WORKS.

Board of
public
works.

Commis-
sioners,
election,
appoint-
ment, etc.,
of.

Vacancies.

Quorum.
President.

Control of
water-
works and
water.

Sewers and
drains.

Streets and
public
places.

§ 271. There shall be a department of public works of which the board of public works shall be the head. The board shall consist of three commissioners of public works. The term of office of the commissioners shall be three years, except as hereinafter provided. One commissioner shall be elected at the annual election held in eighteen hundred and ninety-one. On the first Monday of January, eighteen hundred and ninety-two, the mayor shall appoint two commissioners, one for the term of one year and one for the term of two years. The term of each commissioner shall begin on the first Monday of January, eighteen hundred and ninety-two. The successors of the commissioner elected shall be elected at the annual election next preceding the expiration of the term of office. The successors of the commissioners appointed shall be appointed by the mayor. The two appointed commissioners shall not be adherents of the same political party. In case of vacancy in the office of any appointed commissioner, it shall be filled by appointment by the mayor for the unexpired term. A vacancy in the office of an elected commissioner shall be filled by appointment by the mayor, until the first Monday of January, after the next annual election, at which election a commissioner shall be elected to fill the unexpired term of the elected commissioner whose office became vacant. A majority of the board shall be a quorum. The commissioners shall elect a president of the board, who shall hold his office until his successor is elected and qualified. The board of public works shall have charge and control:

1. Of all structures and property connected with the public water-works, the supply and distribution of water, the collection of the water revenue and of giving permits for house connections with the same, except the Jubilee water-works. It shall have power to construct, maintain, extend, repair, and regulate water-works to supply the city and its inhabitants with water and may cause water-pipes to be laid in such streets in said city (paved or unpaved) as shall be ordered by the common council. It shall also have power to purchase and repair all necessary boilers, engines, machinery, tools and supplies for maintaining the water-works and distributing water.

2. Of the designing, constructing, altering and maintaining of the public sewers and drains and of giving permits for house connections with same.

3. Of locating, laying out, opening, constructing, altering, regulating, grading, regrading, paving, repaving, curbing, guttering, repairing, cleaning, sweeping and sprinkling all streets, avenues, places, alleys and roads (except such as are placed in charge of the park commissioners); of removing ashes and garbage, keeping streets, ave-

nues, alleys and places free and clear of all encroachments, obstructions and incumbrances, granting builders' permits to occupy streets, laying of side and cross walks, numbering houses, putting up street names and superintending the erection of awnings.

4. Of the lighting of streets, avenues, places, alleys and roads; the cleaning and repairing of public lamps, inspecting of gas and lamps, electric lights, electric wires, conduits and building connections with electric plants, the locating and removing of all gas mains, telegraph, telephone and electric light poles; and it may cause all telegraph, telephone and electric light wires to be placed under ground, pursuant to directions of the common council.

Street lighting, electrical conductors and fixtures.

5. Of constructing, repairing and maintaining all bridges, canals, wharves, docks, piers, basins, slips, aqueducts, tunnels and culverts belonging to the city.

Bridges, canals, docks, etc.

6. Of the constructing, altering and repairing of public buildings, including school, fire, police and water buildings.

Public buildings.

7. Of the filling of sunken lots, the fencing of vacant lots, licensing of vaults underneath streets, and of stairways, areas and projections in the street.

Lots, street vaults and projections.

8. Of repairing and closing wells, pumps and hydrants, and abating all nuisances on the requisition of the board of health.

Wells, etc. Nuisances.

9. Of making and preserving all surveys, maps, plans, estimates and drawings relating to the laying out and improvement of streets, avenues, roads, alleys, sewers, water and gas mains, bridges, telegraph, telephone and electric-light mains, the constructing, altering and repairing of public structures, buildings and offices and all other public works under the care of the said department.

Surveys, maps, etc.

§ 272. When any work or improvement, general or local, prescribed in this title, is necessary or advisable, the board may recommend the same to the common council, with or without plans, specifications and descriptions. The common council may thereupon order the work done or may order that plans, specifications and descriptions shall be furnished with or without estimates of costs or bids from responsible parties who will contract with the city to do the prescribed work.

Recommendations for work, etc.

The common council may order any work or improvement either with or without the recommendation of the board of public works, but when such work or improvement is ordered in accordance with plans, specifications or descriptions, a contract therefor shall be made by the board, except where it is authorized to do the work itself. All work and improvements ordered shall be under the direction and supervision of the board, and when it shall make report to the common council of its action, the council shall provide for the payment therefor, either from the general fund, or by local assessment, or both, as in this act prescribed. And no such work shall be executed until payment therefor has been provided as required by this act. It shall make a special report of any work done or contracted for when required by the common council or mayor, and a general monthly report to the common council of its transactions for the previous month.

Action of council thereon.

Contracts.

Supervision of work and payment therefor.

Reports of work done.

The common council upon the recommendation of the board of public works and upon such terms and for such time (not exceeding five years) and upon such conditions as said board may prescribe, may authorize said board to enter into a contract with any person or corporation for cleaning any or all the streets, alleys, public parks, wharves and grounds of the city, and for removing the dirt, ashes, rubbish and garbage therefrom, or for cremating or otherwise disposing within or without the limits of the city of such street cleanings or

Contracts for street cleaning, removal of garbage, etc.

Annual
cost
thereof.

Bureaus
and off-
icers and
employees
of.

Pay ac-
counts.

Control of
certain
matters to
vest in
board.

Bureau
having
charge of
public im-
provements.

Chief
engineer.

Bureau
having
charge of
water-
works, etc.

Water
superin-
tendent.

Bureau
having
charge of
street
cleaning,
etc.

such ashes, rubbish or garbage, but the annual cost or expense thereof shall be placed in the annual estimates of said board and paid in equal annual proportions.

§ 273. There shall be four bureaus in the department of public works, the chief officers, subordinates and employes of which shall be appointed and removed by the board of public works, and their salaries and pay shall be fixed by the board with the concurrence of the common council. In all cases in which by the general laws of the state compensation is required to be paid weekly, pay accounts for employes shall be certified to the common council accordingly, and pay accounts for the commissioners, and employes not required to be so paid, shall be certified monthly; and, on receipt of the same, the common council shall order the proper warrants for the payment of said accounts to be drawn on the treasurer. All matters and things under the charge and control of any officer or department on the day preceding the first Monday of January, eighteen hundred and ninety-two, the charge and control of which are not by this act vested in some other officer or department, shall be under the charge and control of the board of public works on and after the said first Monday of January.

1. A bureau having under the board the charge and care of the construction of sewers, the granting of permits for sewer connections and their inspection, the locating, laying out, opening, grading, re-grading, curbing, guttering, paving, repaving, and repairing of all streets, avenues, alleys and places; constructing and repairing roads, flagging and repairing sidewalks, laying crosswalks, filling sunken lots, digging down lots, fencing lots, constructing and repairing all wells and pumps, setting of lamp-posts, building docks and bulk-heads, and repairing the same, building and repairing bridges, making and preserving all maps, surveys, plans and estimates, and drawings relating to the laying out, regulating, grading and paving of all streets, alleys and avenues, and any other public improvements to be done by or under the supervision of the department. The chief officer of this bureau shall be called the chief engineer. The engineer of the city of Buffalo in office on the first Monday of January, eighteen hundred and ninety-two, shall be such chief engineer until the expiration of the term for which he was elected.

2. A bureau having under the board the charge and care of all the ponds, conduits, reservoirs, tunnels, piers, engines, pumps and lands connected with the water-works, and of laying all water pipes and the construction of all new work relating thereto, the extension and distribution of the water, the control of making all house connections with water mains, the setting of all water-meters, taking and preserving their record, the setting and repairing of fire and drinking hydrants and keeping the same free from ice, and the collection of the revenue arising from the sale and use of water. The chief officer of this bureau shall be called the water superintendent.

3. A bureau having under the board the charge and care of cleaning, sweeping and sprinkling streets, removing ashes and garbage, keeping the streets, avenues, alleys and places free and clear of all encroachments, obstructions and incumbrances, supervising, inspecting and cleaning sewers, regulating the occupancy of streets by licensed hacks, carts and trucks, granting builders permits to occupy streets, numbering of streets, putting up street signs, cleaning and repairing public lamps, inspection of gas and lamps, electric lights, electric wires, conduits and building connections with electric plants, the

erection of awnings. The chief officer of this bureau shall be called the superintendent of streets.

4. A bureau of building, having under the board the charge and care of the construction, alteration and repair of all buildings in the city, the chief officer of which shall be called the superintendent of buildings, who shall also superintend the construction, alteration and repairs of all public buildings and see that all building laws enacted by the state legislature or passed as ordinances by the common council are enforced. The board shall appoint not less than three inspectors of buildings, who shall be under the control of the superintendent of buildings. These inspectors shall be practical building mechanics of not less than five years experience in their trade.

Superintendent of streets.

Bureau of buildings.

Superintendent of buildings.

Inspectors.

§ 274. No person shall construct any of the works mentioned in subdivision one of section two hundred and seventy-one of this act without the written authority of the board.

Construction of water-works.

§ 275. All repairs of accepted streets shall be paid for from the general fund.

Repairs of accepted streets.

§ 276. The board shall estimate annually the amount necessary to be expended during the ensuing year for repairs to accepted streets, and shall return the said estimate to the comptroller, with its other estimates of the department.

Annual estimate of expenses.

§ 277. The board shall cause the accepted streets to be repaired, without the previous order of the common council, and shall employ the necessary men, and purchase the necessary materials. When any such work has been done or any material has been purchased, the board shall certify the expense of the same to the common council. The common council shall thereupon order the proper warrant for the payment thereof to be drawn on the treasurer.

Repairs, how made and paid for.

§ 278. For the purpose of this title, repairs of streets shall be deemed to include the cleaning and repairing of all public sewers and receivers.

Cleaning and repairing sewers.

§ 279. All streets or parts of streets paved at the time this act takes effect or which shall subsequently be paved, shall be deemed accepted streets within the meaning of this title, and shall be repaired when necessary if the chief engineer certifies that less than one-third of the carriageway is in condition requiring repairs.

Accepted streets defined.

When repaired.

§ 280. The board shall estimate annually the amount necessary to be expended, during the ensuing year, for the cleaning and repairing of all public sewers and receivers, and shall return such estimate to the comptroller with the other estimates of the costs of the department.

Sewers and receivers, annual estimate therefor.

§ 281. The board may cause surveys to be made of all the streets and public squares of the city, and shall, from time to time, as such survey progresses, file descriptions and surveys of such streets and squares in the office of the city clerk. Such surveys and descriptions, and certified copies thereof, shall be evidence of the existence of the streets and squares so surveyed and described, and their boundaries and location.

Surveys and descriptions of streets, etc.

§ 282. No member of the board and no subordinate or employe of the department shall be pecuniarily interested in any contract made for the department, or in the purchase, sale or repair of any article used by it.

Not to be interested in contracts, etc.

§ 283. No expenditure or contract exceeding or involving the sum of five hundred dollars shall be made by the board without the consent of the common council. Before the board shall enter into a contract for the performance of any work, the expense of which shall ex-

Contracts exceeding \$500.

Notice in-
serting
proposals.

Award of
contracts.

Rules and
regula-
tions.

Water
rates.

When
payable.
Districts.

Daily pay-
ments by
board.
Applica-
tion of
water
receipts.

Audit of
claims.

Limitation
of actions.

Laying of
service
pipes.

Expense a
lien.

Notice to
owners, of
property,
etc.

Statement
to comp-
troller.

Amounts
added to
general
tax.

Hydrants.

Expenses,
thereof,
how as-
sessed, etc.

Building
ordi-
nances.

ceed the sum of five hundred dollars, it shall cause a notice to be published in the official paper, and two other daily papers in the city, twice a week for two weeks, inviting proposals for the same, according to the plans and specifications to be filed in its office, and the contract shall be let to the lowest responsible bidder, who shall furnish security for its performance satisfactory to the board.

§ 284. The board shall make and enforce rules and regulations for the government of the officers and employes of the department in the discharge of their duties.

§ 285. The board shall, subject to the approval of the common council, fix the rates to be charged for the use of water, and shall have charge of the collection thereof. It shall have power to adjust the rates as established, and to increase or diminish the rates in cases where consumers increase or lessen their consumption of water, and to refund a proportionate amount of rates paid in cases where consumers cease to use water. Water rates shall be payable semi-annually in advance, on days to be fixed by resolution of the board. The board may divide the city into districts and fix the days on which the rates in each district shall be paid.

§ 286. The board shall pay daily to the city treasurer, all moneys received by it from any source, and make a report at the same time to the comptroller. All moneys received from the sale and use of water shall be used only for the purposes of the bureau created by subdivision two of section two hundred and seventy-three, and for the payment of principal and interest on the water bonds.

§ 287. All claims against the city, connected with this department, shall be audited by the board before being presented to the common council. The time during which any claim shall remain in the hands of the board for audit shall not be a part of any time limited for the commencement of an action against the city, and the time of such limitation shall be extended accordingly.

§ 288. The board shall have power to lay service pipes from the main pipes in the streets to such point as it may determine beyond the curb line of any street and within the street lines where such main pipes are now or shall hereafter be laid; the expense of laying such service pipes shall be a lien upon the property for the service of which the pipes are laid. The board shall notify the owner or occupant of such piece of property to which such service pipes are laid that if the same are not laid by the owner or occupant within ten days, the same will be put in and laid by the city, and if so, that it will receive payment of the amount due therefor, for thirty days from the date of giving such notice. On the first day of May of each year the board shall present to the comptroller a certified statement, specifying the various sums remaining unpaid therefor and the property affected thereby, and the comptroller shall add such amounts to the general city tax for that year, on each piece of property so affected, and they shall be collected in the same manner as other taxes on said roll.

§ 289. The board may establish, designate and maintain hydrants within the city to supply the public with water, and the expense thereof may be assessed upon and collected from the property deemed benefited, in like manner as provided in title five of this act, for assessment and collection of assessments; and the board shall designate the districts by boundaries within which such assessment shall be levied.

§ 290. The superintendent of buildings, under the direction of the board shall enforce the ordinances of the city, regulating the con-

struction, alteration or repair of buildings in the city. He and the inspectors of buildings shall have authority to enter any premises or building for the purpose of examining its condition ; and whenever in the judgment of the superintendent of buildings any building or any part of a building shall be dangerous to the public, or unsafe, he may, under the direction of the board, when the same shall be approved by the common council, order such building to be torn down, and in case his order shall not be obeyed, he may cause it to be torn down ; or he may order it to be repaired so as to be safe, and in case his order shall not be obeyed, he may cause the proper repairs to be made.

how enforced.

Removal of unsafe buildings.

Repairs thereto.

§ 291. The expense of removing or tearing down any unsafe building or of making it or any portion thereof secure, shall be a lien on the property on which the building stood, and may be enforced and collected in the same manner as a local assessment thereon, or it may be recovered from the owner of the premises upon which the building stood, by action brought in the name of the city.

Expense a lien.

How enforced and collected.

§ 292. Before the construction or remodeling of any building in the city is commenced, the owner shall file with the superintendent of buildings a sworn statement of the character and use of the building he proposes to erect and its location on his premises. And in all cases, except where the building is a one or two-story frame dwelling, or a one or two-story frame store or dwelling within the limits where wooden buildings may be erected, he shall file a copy of the plans and specifications of such building, and a statement which shall contain the name and residence of the owner and the purposes for which the building is designed, and which shall be sworn to by the owner or his authorized agent. The superintendent shall, within ten days after the filing of the plans, specifications and statement, approve the same, or indicate in writing the alterations to be made therein to comply with the general laws of the state and ordinances of the city, and no building shall be erected or remodeled until the approval of the superintendent shall be obtained and a written permit issued by him to the owner or builder of such building. Nothing herein contained shall affect the exclusive power of the common council to grant permits for buildings under subdivision five of section seventeen of this act.

Requirements for erection or remodeling of buildings.

Approval of plans, etc.

Proviso.

§ 293. The superintendent of buildings shall report to the corporation counsel any violation of the building laws of the state and ordinances of the city, for which a fine, penalty or forfeiture is prescribed, and the corporation counsel shall thereupon bring an action to enforce the same. In case the construction or remodeling of any building is commenced without the permission of the superintendent, he shall order the work to be stopped. In case the work on the building is continued he shall report the facts to the corporation counsel, who shall, by action, enjoin the further prosecution of such work until the permission shall be obtained. The court shall enjoin the prosecution of the work, pending the action. The corporation counsel shall not settle or discontinue any such action without the written consent of the superintendent. The usual costs in actions at law and special proceedings shall apply to these proceedings.

Report of violation of building laws.

Work ordered stopped.

Actions enjoining prosecution of work.

§ 294. The captains of police in the several districts of the city shall report daily to the superintendent of police all defective street lamps which may be discovered in their respective districts, and all street lamps which were not lighted during any night; and shall also report daily to such superintendent of police all defects which may be discovered in the streets or sidewalks, and all omissions to clean the same. And the superintendent shall make a consolidated report of the same

Report of defective lamps, etc.

Of defects in streets and omission to clean same

Notice. to the department of public works daily. Notice to any member of the police force of any defective streets shall not be notice to the city until actually received by the board of public works.

Maps of electrical subways. § 295. All gas, telegraph, telephone and electric light companies, having subways or conduits, or any other persons or corporations having grants from the city for any subways or conduits in public streets or alleys, shall be required to file with the department, service maps and plans of all their mains, subways and conduits in existence at the time this act shall go into effect, and shall thereafter obtain permission from this department for laying or relaying all mains, subways and conduits.

Store yard. § 296. The department shall have authority to purchase or lease a piece of land to be used as a store yard or depot of supplies, where shall be stored all materials necessary for repairing the public works which are under the charge of this department.

Water-works, extension, etc., of. § 297. Before the city shall order the extension or alteration of the water-works, or the construction, in whole or part, of new water-works, the board of public works shall have power to determine upon the plans and specifications of such extension, alteration or construction, and no extension of said water-works shall be ordered except upon the recommendation of the board of public works. When any extension, alteration or construction (except pipe-laying) the expense of which shall exceed the sum of five hundred dollars shall be ordered, it shall be the duty of said board to advertise by publication in the official paper, and in two other daily papers twice a week for two weeks, a notice inviting, until a certain day to be specified in the notice, sealed proposals to do the work and furnish the materials according to the plans and specifications on file in the office to be specified in such notice. But said board may, in its discretion, employ necessary labor, purchase necessary supplies for, and cause any or all water pipes to be laid under its own supervision.

Notice of repairs to property owners, etc. § 298. When repairs to sidewalks or any other repairs in front of or work upon premises are ordered by the common council, the board shall notify the owner or occupant, personally or by mail, at least ten days before the board will undertake the work, that if said repairs are not made or work done by the owner or occupant within ten days the same will be done by the board, and the expense thereof, with interest at twelve per centum per annum, from the time such work is done, shall be chargeable upon and assessed against the said premises in the same manner that other local assessments are made.

Restriction of expenditures. § 299. The board of public works shall not, without the consent of the common council, expend in any one year any greater amount of money than shall have been appropriated by the common council in the annual appropriation for said year for said department, except as provided in section seventy-three.

CHAPTER II.

JUBILEE WATER-WORKS.

Maintenance of works. § 300. The city shall have power to maintain, repair and regulate the Jubilee water-works for the use and benefit of the inhabitants of the parish tract.

Board of water commissioners. § 301. There shall be a board of Jubilee water commissioners, which shall consist of three members, who shall be appointed by the mayor and hold their offices for the term of three years. Each commissioner

shall be a resident of the parish tract and shall serve without compensation.

§ 302. The Jubilee water commissioners in office at the time this act takes effect shall constitute the first board, and serve out the terms for which they were respectively appointed. Whenever a vacancy arises in such board, by reason of the expiration of the term of office of any commissioner, the mayor shall appoint a Jubilee water commissioner to serve three years. First board.
Vacancies.

§ 303. The board shall have charge of the management of the Jubilee water-works and their appurtenances. Powers of board.

§ 304. The board shall appoint, and may at pleasure remove a superintendent. Superintendent.

§ 305. The common council shall fix, regulate and levy the rates and charges for the use of the Jubilee water, and it shall provide for the assessment, levying and collection thereof. It shall levy and assess upon the taxable property of the parish tract all other taxes necessary for the maintenance of the Jubilee water-works, and provide for their collection; and may enact such ordinances as it may deem necessary to carry into effect the provisions of this chapter. Water rates.
Taxes.
Ordinances.

§ 306. All water rates, charges, penalties and taxes shall, when collected constitute a fund to be called the "Jubilee water fund," and shall be applied to the payment of all expenses or liabilities incurred in maintaining the Jubilee water-works. Jubilee water fund.

§ 307. All claims against the city, growing out of the maintenance of the Jubilee water-works, shall be audited by the board of Jubilee water commissioners before being presented to the common council. Nothing in this chapter contained shall be construed to repeal or affect chapter one hundred and fifty-four of the laws of eighteen hundred and ninety, except that no compensation shall be paid to any officer or employe mentioned in the eighth section of that chapter unless such compensation shall be first authorized and approved by the common council by ordinance. Audit of claims by board.
Proviso.

TITLE XI.

DEPARTMENT OF PARKS.

§ 308. There shall be a department of parks, of which the board of park commissioners shall be the head. It shall consist of fifteen members, who shall be appointed by the mayor, who shall also be a member of said board, ex officio. The name and style of said board shall be "The Park Commissioners." The present park commissioners of said city shall constitute said board until the expiration of their respective terms of office, and until others are appointed in their places; at the expiration of their several terms of office, the vacancies thereby created shall be filled by appointment, as hereinbefore provided, of a person or persons who shall hold office for six years, and until their successors are appointed and qualified. Should a vacancy occur in said board by reason of death, resignation or otherwise, except the expiration of term of office, there shall be appointed, in the manner hereinbefore provided, a person to fill such vacancy, whose term of office shall expire at the end of the term of the one whose vacancy he is appointed to fill. Board of park commissioners.
Vacancies in board.

§ 309. No member of said board shall receive any compensation for his services, but each commissioner shall be entitled to receive his actual disbursements for expenses in visiting and superintending said Disbursements for expenses.

Inelli-
bility.

Quorum,
rules, etc.

General
powers.

Roadways
of ap-
proaches,
opening,
etc., of.

Notices to
be pub-
lished.

Hearing

Sidewalk
borders.

Sidewalks
upon ap-
proaches.

Ap-
proaches,
defined.

Proviso.

Policemen,
power of.

Misde-
meanor to
be inter-
ested in

park, when such visits or service shall be made or rendered by the direction of the said board of commissioners. No member of the common council shall be eligible to the office of park commissioner.

§ 810. A majority of the board shall constitute a quorum for the transaction of business. The said board shall have the full and exclusive power to make rules and by-laws for the orderly transaction of their business; to govern, manage and direct, and to lay out and regulate the parks and approaches thereto; to appoint a superintendent and such engineers, surveyors, clerks and other officers as may be necessary; including a police force, not exceeding twelve in number; to prescribe and define their respective duties and to fix the amount of their compensation, and generally in regard to said parks and the approaches thereto they shall possess all the power and authority now by law conferred upon or possessed by the common council in respect to the public streets, sidewalks, squares and places in said city. The said board shall have sole and exclusive power, by contract or otherwise, to open, grade, construct, repair and maintain the roadways of said approaches, and the assent of adjacent property owners thereto shall not be necessary; but no such work shall be done where any part thereof is assessable, as hereinafter provided, until notice of intention to order it shall have been published in the official paper, by order of said board, at least twice a week for two consecutive weeks before the same shall be ordered, the last publication to be at least one week before the same is so ordered, and all interested parties shall have an opportunity to be heard before said board at such time as it shall appoint in such notice; provided that no such notice or hearing shall be necessary in the case of work the expense of which shall not exceed two hundred dollars. The said board shall have power to control sidewalk borders, and to plant, regulate and maintain trees thereon, and to construct and lay, or cause to be constructed and laid, sidewalks on the said approaches, and to provide by ordinance for repairing the same, and removing snow, ice and dirt therefrom, by or at the expense of the owners and occupants of the property in front of which such sidewalks may be, and to provide fines and penalties for violation of such ordinances, not exceeding twice the cost of such repairing and the removing of such ice, snow and dirt, and all persons violating the same shall be deemed guilty of a misdemeanor, and punished as hereinafter provided. The said approaches shall, within the intent and meaning of this act, be deemed to include all lands within the boundaries thereof, together with all rights and easements appurtenant thereto, and such portions thereof as may be within the boundaries of intersecting city streets; provided, nevertheless, that the common council shall have jurisdiction of said intersecting city streets up to the curb line of such approach, but no new street shall be laid out to intersect any park approach without the consent of the park commissioners, and the expense of opening, grading, paving, repairing and maintaining the roadways and sidewalks of such portions of said intersecting city streets shall be assessed and collected in the same manner as the expense of constructing, grading and repairing the city streets or sidewalks. Policemen appointed by the said board shall have the same powers as patrolmen of the police department, and shall be subject to the orders of the park commissioners and park superintendent, or such other officers as the board may designate.

§ 311. It shall be a misdemeanor for any park commissioner to be directly or indirectly, in any way pecuniarily interested in any contract or work of any kind whatever connected with said parks or approaches

thereto; and it shall be the duty of every person who may have knowledge or information of the violation of this provision, forthwith to report the same to the mayor, who shall present the facts of the case to the superior court of Buffalo. The said court shall hear, in a summary manner, such commissioner in relation thereto, and any evidence he may offer; and if after such hearing, the said court shall be satisfied of the truth of such charge, the judge holding the same shall by an order of said court, to be made at chambers or in term, immediately remove such commissioner. Every commissioner shall, before entering upon the duties of his office, take and subscribe the oath prescribed by the constitution of the state, which oath shall be filed in the office of the clerk of the superior court of Buffalo.

contracts,
etc.

Report of
violations
and hearing
thereon.

Removals.

Oath of
office.

§ 312. The said park commissioners shall, in the month of January in each year, make to the common council a full report of their proceedings and a detailed statement of all their receipts and expenditures.

Annual
report.

§ 313. It shall be lawful for the said park commissioners to let from year to year, or for any term not exceeding ten years, any buildings and the grounds attached thereto, which may be within the boundaries of said park, or parks, and the said park commissioners may sell any building improvements and product of said park or approaches, which in their judgment shall not be required for the purposes of said parks and approaches; and the proceeds of such leases and sales shall be deposited with the treasurer of said city to the credit of the park fund, which is hereinafter created; and such proceeds shall be used by the said commissioners for the improvement or maintenance of the said parks or approaches.

Leases and
sales of
buildings,
etc.

Proceeds,
how ap-
plied.

§ 314. The said park commissioners shall have power upon such terms and upon the payment of such yearly license fee or such per capita tax as said commissioners may prescribe, to grant to any street railway company the privilege of laying down and operating a railway, for the carriage of passengers only, through said approaches; but no street or other railway shall enter, upon, in or through the said park or parks without the consent of two-thirds of the members of the board. The said commissioners shall have sole power to license hacks, omnibuses and other vehicles for use in said park, parks or approaches, and boats for use on park waters under such regulations as the said commissioners shall prescribe. All sums of money which may be received by the said commissioners pursuant to this section, shall be deposited with the city treasurer to the credit of the park fund, and shall be devoted to the improvement and maintenance of said parks or approaches.

Licenses
for street
railways.

Hacks,
boats, etc.

Receipts,
how ap-
plied.

§ 315. The common council shall every year grant to the said park commissioners such sum of money as they shall require and as to the said common council shall appear reasonable and just, for the government, improvement, paving and maintenance of said parks and approaches, and for keeping in repair the improvements and structures therein, and for furnishing a suitable office for said commissioners. One-half of all the expenses for opening, grading, paving, constructing, repairing (except repairs, the expenses of which shall not exceed two hundred dollars), or otherwise improving the curbing and roadways of the said approaches shall be paid from the general fund and the other half be defrayed by local assessments upon the lands adjacent to such approaches, or which the assessors shall determine to be benefited thereby, and shall be a lien thereon, and assessed, levied and collected in the same manner as other local assessments, and when collected

Annual ap-
propria-
tion for
commis-
sioners.

Ap-
proaches,
expense of
opening,
etc., how
defrayed.

Assess-
ments,
council to
order.

Sidewalks
upon ap-
proaches.

Assess-
ment of
expense.

Annual
estimate
for park
mainten-
ance, etc.

Moneys,
how dis-
bursed.

Estimate,
when
furnished.

Sewers, gas
and water
pipes, loca-
tion of.

Conne-

shall be paid into the park fund ; provided that where any approach or part of an approach shall have three roadways, the whole expense of opening, grading, constructing, paving, repairing or otherwise improving the central roadway shall be paid from the general fund, and one-half the expense of opening, grading, paving, constructing, repairing (where the repairs shall cost two hundred dollars or more), and otherwise improving either lateral roadway, shall be assessed upon the private property adjacent to such lateral roadway and benefited thereby, and the other half shall be paid from the general fund. Where any approach, or part of an approach, has two roadways and no more one-half of the expense of opening, grading, constructing, paving and repairing (where the expense of such repairs exceeds two hundred dollars), and otherwise improving each roadway, shall be assessed on the adjacent property benefited thereby, which shall be on the same side of the approach as the roadway on which the work shall be done, and the other half shall be paid from the general fund. The common council shall order the expense of opening, grading, constructing, paving, repairing and otherwise improving such approaches as is herein provided to be paid by adjacent property benefited to be assessed, levied and collected as local assessments, as hereinbefore provided, upon the same being reported to them by the board, and all such assessments, when collected, shall be paid into the park fund. The said commissioners may construct, repair and maintain sidewalks upon said approaches at the expense of the owners of the parcels of land in front of which the work is done, and shall report the expense of the work to the common council, which shall direct the same to be assessed upon the parcels of land in front of which the work was done or is to be done, in proportion to the benefit ; and the board of assessors shall thereupon assess the same. Such assessments shall be liens upon the property assessed, and be levied and collected in the same manner as other local assessments. All moneys collected upon such assessments shall be paid into the city treasury to the credit of the park fund. The said commissioners shall furnish annually an estimate of what sum of money they will require for the government, maintenance and improvement of said park, parks and approaches, specifying the particular improvements which are proposed to be made on any park approach, and the said council in making its annual grant to said commissioners, shall specify each item and the amount of each item of such estimate granted for improving any of such approaches, as well as the total amount. Said commissioners shall not apply the moneys so granted for any particular improvement on any park approach to any other purpose. The money granted by said common council shall be paid out of the park fund, which is hereby created, when ordered by said commissioners, upon their drafts, signed by the president and secretary, and countersigned by the comptroller. The said annual estimate of the commissioners shall be certified by the secretary of said board and furnished to the city comptroller on or before the first day of February of each year, which estimate, as furnished, shall be included by said comptroller in his annual estimates.

§ 316. The said board of commissioners shall have the sole power to determine the places in said parks and approaches where sewers and gas and water-pipes shall be laid ; and no trench for any sewer, gas-pipe or water-pipe shall be opened in any of said parks or approaches until said commissioners shall have designated the location of the same. They shall have power, when the roadway or any ap-

proach is constructed or repaired, to cause connections to be made and extended from the sewers, gas-pipes and water-pipes which may be therein, to the sidewalk border thereof, at such distances apart as they shall determine to be necessary. The expense of making such connections shall be a local tax, and shall be ordered by said common council to be assessed upon the parcels of land with which such connections shall be made, upon the expense thereof being reported to it by the commissioners. The city may recover the amount of such assessments, with the additions and interest, of the owners of such parcels, by action in its name, when they shall remain unpaid for more than sixty days after the rolls shall have been delivered to the city treasurer, and may enforce the same as provided in title five of this act for the enforcement of assessments. Such assessments when collected shall be paid into the city treasury, to the credit of the park fund.

tions there from.

Expense, how assessed.

Recovery of unpaid assessments.

§ 317. None of the said park commissioners, nor any person, whether in the employ of said commissioners or otherwise, nor said common council, shall have the power to create any debt, obligation, claim or liability for or on account of the said park commissioners, or of said park, parks or approaches, except with the express authority of said commissioners conferred at a meeting thereof duly convened and held.

Creation of debts, etc.

§ 318. No telegraph, telephone or electric-light wires or other wires, or posts or supports therefor, shall be erected or placed in, upon, through or over said park, parks or approaches, without the consent of said park commissioners, and the said commissioners shall have full power and authority to designate the place and places for and manner of erecting, placing and maintaining the same, and may cause the places and manner of maintaining the same, whether heretofore or hereafter erected or placed, to be altered at such times and in such manner as they shall deem best for the interests of said park, parks and approaches, and may require such wires to be laid under ground.

Wires and posts, telegraph, etc., placing of, in parks.

§ 319. The office of any one of the said park commissioners who shall not attend the meetings of the board for three successive months, after having been duly notified of such meetings, without satisfactory reason therefor, or without leave of absence, shall by said board be declared vacant.

Absence of commissioners, creates vacancy.

§ 320. Real and personal property may be granted, bequeathed, devised or conveyed to the said city for the purpose of the improvement or ornamentation of the said parks or approaches, or for the establishment or maintenance therein of museums, zoological or other gardens, collections of natural history, observatories, libraries, monuments or works of art, upon such trusts and conditions as may be prescribed by the grantors or devisors thereof and agreed to by the mayor, common council and park commissioners. All property so devised, granted, bequeathed or conveyed, and the rents, issues, profits and income thereof shall be subject to the exclusive management, direction and control of said park commissioners. Real estate may also be conveyed to the city for the purpose of additions to said parks or approaches, provided that the location of such real estate and the condition of the conveyance be agreed to by the mayor and common council and by the park commissioners.

Devise, etc., of property for improvements, etc.

Control thereof.

Conveyance of real estate for additions.

§ 321. It shall be lawful for said board, at any meeting thereof duly convened, to enact such ordinances as it may deem necessary for the use, regulation, protection and government of said parks and ap-

Ordinances for government of

**parks,
etc.**

**Publica-
tion there-
of.**

Record.

**Existing
ordi-
nances,
etc.**

**Copies,
evidence.**

**Violation
of ordi-
nances, a
misdeme-
anor.**

**Recovery
of fines
and penal-
ties.**

**Terms in
act de-
fined.**

proaches, not inconsistent with the ordinances of the city or the provisions of this act, and to prescribe fines and penalties not exceeding one hundred dollars or imprisonment in the Erie county penitentiary not exceeding thirty days, or both, for their violation. Such ordinances, upon their passage, shall be published ten days in the official paper. The secretary of the board shall make and sign a record, in a book to be provided for that purpose, of every ordinance enacted by said board, and of the times of its first and final publication; and such record, or a copy thereof, certified by the president or secretary, under his hand, shall be presumptive evidence in all courts and places of the due enactment and publication of such ordinance, and of the times of its first and final publications. The by-laws, ordinances and regulations of the board as now constituted, shall be the by-laws, ordinances and regulations of the board as constituted under this act, until the same shall be repealed, superseded, altered or amended by the board hereby created. Copies of the record of the said ordinances kept by the secretary of the present board, certified by the secretary of the board hereby created, shall be presumptive evidence of their due enactment and publication.

§ 322. Every person offending against the ordinances of said board shall be deemed guilty of a misdemeanor, and shall, upon conviction before the police justice or any court of competent jurisdiction, be punished by fine or imprisonment, or both, as prescribed in the ordinance violated; or in case no fine or imprisonment be provided by such ordinance, by fine not exceeding one hundred dollars, or by imprisonment not exceeding thirty days in said penitentiary, or by both such fine and imprisonment; and said police justice shall have jurisdiction of all offenses against said ordinances, and shall, subject to the provisions of this act, have the same power and authority as to such offenses and the trial and punishment of all persons offending against the said ordinances, as he now has as to any case of misdemeanor which may be tried before him. All fines and penalties imposed by said ordinances may also be recovered as penalties in civil actions to be brought in the name of said city in the municipal court of Buffalo, and such suits shall be brought by the corporation counsel, upon complaint made to him by said board, or the park superintendent. The remedies hereby given shall be deemed to be in the alternative at the election of said board or superintendent, and not to be cumulative. All fines and penalties collected hereunder shall be paid into the general fund.

§ 323. The terms "park" and "parks," as used in this act shall include the grounds known as the "Park," "the Parade," "the Front" and all parks and public grounds (not being an approach or part of an approach), which are now or may hereafter be under the control of the board of park commissioners. The word "approaches," whenever it occurs in this act, shall include the avenues and parkways leading to or connecting said parks, which are now or may hereafter be under the control of the board of park commissioners and the "Circle," "the Bank," "Soldiers' Place," "Chapin Place," and "Bidwell Place," and all other lands forming and designated by the board a part of an approach.

TITLE XII.

DEPARTMENT OF PUBLIC INSTRUCTION.

- § 324. The city has power to establish, maintain and regulate public schools. Public schools.
- § 325. The city shall be, by ordinance, divided into school districts, and from time to time, redivided, and in each district there shall be maintained one or more primary or grammar schools. Districts and schools therein.
- § 326. Such schools shall be open and free to all persons between five and twenty-one years of age residing within their respective districts. Schools, free.
- § 327. The city may maintain and regulate one or more high schools, it may also maintain and regulate schools for manual and technical training, into which may be admitted pupils who shall possess the qualifications prescribed by ordinance. High and training schools.
- § 328. The high schools shall share in the literature fund of the state, and in all appropriations to academies. The primary and grammar schools shall share in the school fund of the state, and in the appropriations made to public schools. Share of schools in state funds.
- § 329. All expenses of the school department shall be included in and paid out of the general fund. The comptroller is hereby authorized to embrace in his estimates a sum not exceeding one hundred and fifty thousand dollars annually, which shall be used solely for the purchase of school lots and the erection, enlargement, repairs and furnishing of school buildings. Expenses of department.
- § 330. The superintendent of education shall be at the head of this department. He shall from time to time recommend to the common council the course of study to be pursued in the different public schools, and such measures as will, in his judgment, increase the usefulness and efficiency of the schools. He shall select all new teachers to be employed in the different schools, after this act shall take effect, from among the names from time to time certified to him, by the board of school examiners, except as hereinafter provided. He shall hire all teachers for the period of time, and at the compensation, and upon the terms and conditions provided by ordinance. He shall see that the courses of study and systems of education established by ordinance are observed. If none be established by ordinance, he shall direct the courses of study and systems of education to be pursued. The teachers shall be subject to his orders and direction. He may suspend, and for cause, and after a hearing, with the concurrence of the mayor, dismiss any teacher. He shall, on the second Monday in December of each year, make a full and comprehensive report to the common council of the condition of the schools up to the thirtieth day of June preceding. He shall appoint a citizen, who shall be well versed in the German as well as the English language, and whose duty it shall be to superintend the teaching of the German language in the public schools, and who shall also act, when not otherwise employed, as secretary to the superintendent. Nothing in this act contained shall be construed to authorize the appointment of more than one clerk for said department, unless authority therefor shall be given by the common council. Superintendent of education, his powers and duties.
- § 331. The mayor shall, within thirty days after this act shall take effect, appoint five citizens of Buffalo, who shall be known and designated as "the board of school examiners." They and their successors in office shall each, before entering upon the performance of the duties of an examiner under this act, qualify in the manner prescribed for officers of the city government. Annual report.
Superintendent of teaching German.
Board of school examiners.

First examiners.

§ 332. The first examiners shall be appointed respectively one for one year, one for two years, one for three years, one for four years, and one for five years, from and after the dates of their respective appointments, unless sooner disqualified or removed, as hereinafter provided. The city clerk shall indorse, upon the oath of office of each examiner appointed as aforesaid, the date on which his term of office expires, and shall, at least thirty days before the expiration of such term, notify the mayor in writing of the name of the examiner whose term is to expire in that year. The mayor shall, on the expiration of the term of any examiner, appoint an examiner to succeed the one whose term shall then expire, and who shall hold office for the term of five years, unless sooner removed or disqualified as herein provided.

Notice of expiration of terms.**Appointment of successors.****Suspensions and removals for cause.****Vacancies, how filled.****Meetings.****Chairman.****Chairman pro tempore.****Secretary. Visitation of schools.****Applications for positions as teacher.****Notice to applicants.****Teachers divided into grades.****Subjects for examinations.****Preparation of questions.**

§ 333. The mayor may at any time suspend, and for cause, and after a hearing remove any examiner appointed under this act. Whenever any one of the examiners dies, resigns, is removed, or in any manner becomes disqualified to serve before the expiration of his or her term of office, the said office shall thereupon become vacant, and the mayor shall, within thirty days after receiving notice of such vacancy from the secretary of the board of examiners, appoint another qualified citizen to fill such vacancy, as provided heretofore for regular appointments, who shall hold office for the unexpired term of such examiner, unless sooner removed or disqualified.

§ 334. The examiners, appointed under this act, shall hold at least one stated meeting in each month. At the first meeting of the examiners, which must be held within fifteen days after their appointment, and annually thereafter, the examiners shall choose one of their number to act, and be known as chairman, who shall preside at all sessions of the board. In case of the absence or inability of the chairman, the remaining examiners shall elect one of their number as chairman pro tempore to preside at any session. Three of their number shall constitute a quorum for the transaction of business. They shall also at their first session, held as hereinbefore provided, appoint a secretary, who shall perform the clerical duties of the board. It shall be the duty of each member of the board to visit and inspect all schools at least once in each term.

§ 335. Any person hereafter desiring to secure a position as teacher in any of the public schools of the city shall apply to the secretary of the board who shall thereupon furnish to such applicant a blank application, approved as to form by the board; the applicant shall fill out and sign said blank, stating in which of the three grades of teachers, hereinafter provided, he or she desires to be appointed. Such applicants* shall then be presented to the board, which shall after receiving the same, properly filled out and signed as aforesaid, notify each applicant of the next time and place of holding the examination of applicants for positions as teachers hereinafter provided.

§ 336. For the purposes of this act the teachers in all the public schools in the city are hereby divided into three grades, designated, respectively high-school grade, grammar-school grade, and primary grade. The superintendent shall, as soon as practicable after this act shall take effect and not later than thirty days thereafter, designate the subjects upon which applicants for teachers in their respective grades shall be examined, and prescribe the scope and limits of such examinations. The board of examiners shall, from time to time, prepare written or printed questions upon such subjects, within the scope or limits prescribed as aforesaid, which shall be used in the written examinations of such applicants as hereinafter provided. The super-

* So in the original.

intendent may, from time to time, as he deems necessary, change the subjects and the scope of such examinations.

§ 337. The examiners shall hold stated public examinations at such of their regular meetings as they may designate, and at least as often as once every three months, of all the applicants who have filed their applications with the secretary, as hereinbefore provided. They shall cause due notice of the time and place of holding such examinations, and the grades of teachers to be examined, to be published six times in at least three of the daily newspapers of the city, commencing one week prior to each examination, and no examination shall be held by them unless so noticed. At the time of holding such examinations, they may first examine the applicants orally, for the purpose of ascertaining their general physical and moral fitness for teachers. No applicant shall be rejected for lack of educational qualifications without first being admitted to the written examination hereinafter provided for.

Stated examinations.

Notice thereof.

Physical and moral fitness. Proviso as to rejections.

§ 338. Each applicant who shall appear upon such oral examination to possess the moral, physical and general qualifications essential and requisite to make a good practical teacher, shall then be subjected by the examiners to a written examination upon the subjects prescribed as aforesaid for the grade of teachers in which he or she seeks to qualify, by writing out, under the direction and supervision of the examiners, the answers to the questions on such subjects prepared as hereinbefore provided. Before beginning such written examinations, each applicant shall be required to select an envelope containing duplicate numbered cards, in such a manner that no one of the examiners shall know what number any applicant has. No two applicants shall be furnished with the same number. Each applicant shall write his or her name upon such cards, and sign his or her examination paper with the number on such card, omitting the name, and place one card in a blank envelope and seal the same and deposit it in a box to be provided by the examiners before examination, retaining the duplicate card. At the close of the examination each applicant shall hand his or her examination paper, folded in such a manner as to conceal the number so signed, to the chairman of said examiners. The papers shall be examined by the examiners and they shall, according to a uniform plan or standard, to be agreed to by them, mark on each paper the percentage which the applicant writing the same has passed, between one and one hundred, inclusive, and after the papers are so marked the envelopes containing the name of the applicant, and the numbers corresponding with their respective papers, shall be opened by the secretary in the presence of the board, and the names of the applicants indorsed upon their respective papers. All such examination papers together with the applications of all who try the examinations shall be filed and preserved in the office of the superintendent for at least three years after they are so filed, during which time they shall be open to public inspection.

Written examinations.

How conducted.

Examination of papers.

Filing and preservation of same.

§ 339. The secretary shall prepare a list of all those who have passed seventy per centum, or over, on the written examination, and he and the chairman shall certify such list to the superintendent, stating for which grade of teachers they were examined, and shall furnish to each applicant, who has so passed, a certificate signed by him and the chairman, stating the grade of teachers for which the applicant was examined, and that, in the judgment of the examiners, the person so examined is a person of good moral character, and qualified to teach in such grade. This list shall be kept by the superintendent as a list of eligible candidates for three years from which to select teachers

List of applicants who have passed.

Certificate to applicants.

Employment of teachers.

and no teachers not employed in the public schools at the time when this act shall take effect shall thereafter be appointed or employed as a teacher in such schools, unless he or she has undergone the examination herein provided for, and holds such a certificate. In the employment of teachers, under this act, preference shall be given to residents of Buffalo.

Re-employment of present teachers.

§ 340. Nothing contained in this act shall in any manner affect or prohibit the re-employment of any teacher or teachers employed in said schools at the time when this act shall take effect, and they may be so appointed or re-employed without undergoing the qualifying examination provided for herein, in the discretion of the superintendent, as he has heretofore employed them.

Appointment on probation.

§ 341. All new teachers appointed under the provisions of this act shall be first appointed on probation for six months before they shall be regularly employed as hereinbefore provided. Any teacher so employed shall receive the same salary for such period of probation as if regularly employed.

Payment of salary prohibited.

§ 342. The financial officers of the city are hereby prohibited from paying any salary to any person appointed a teacher in the public schools in violation of the provisions of this act.

Admission of applicants failing to pass to future examinations.

§ 343. Any person who fails to pass any examination as high as the standard of seventy per centum may at any time after the expiration of three months and within one year from the time he or she last tried such examination, apply to the secretary for admission to the next succeeding examination of applicants for teachers in the same grade for which he or she was last examined and he or she shall be admitted to such examination on the same basis as other applicants, without any further or different application, and without any further certificate or proof as to good moral character unless required to furnish the same by the examiners.

Rules and regulations.

§ 344. The examiners may prepare, adopt and promulgate such rules and regulations as they may deem fit and proper, not inconsistent with any of the provisions of this act, for the conduct and management of their examinations and the government of their meetings, and any rules or regulations which will aid them in carrying out the provisions of this act. But all rules and regulations pertaining to the examinations oral or written shall be uniform.

Record of proceedings.

§ 345. The secretary shall keep a record of all their proceedings, which shall contain a list of all the applicants certified to the superintendent as eligible for positions as teachers, and the grades in which they have passed as well as all matters necessary for the information and the use of the board and the superintendent.

Annual report.

§ 346. The board shall make an annual report of their proceedings to the common council, on the second Monday in December in each year, which shall contain a statement in regard to the general condition of the schools as ascertained by their inspection, and a statement of the practical workings and effect upon the public schools of the system of examinations provided for by this act, and any suggestions which they may deem proper as to the improvement of such rules, and for the more efficient accomplishment of the purposes of this act.

Certain acts relative to examinations, a misdemeanor.

§ 347. Any person who shall willfully and corruptly by himself, or in co-operation with one or more persons, defeat, deceive or obstruct any person in respect to his or her right of examination, according to the provisions of this act or the rules and regulations prescribed pursuant thereto, or who shall willfully, corruptly or falsely mark, grade, estimate or report upon the examination or proper standing of any

person examined pursuant to the provisions of this act, or aid in so doing, or who shall willfully or corruptly make any false representations concerning the same or concerning the persons examined, or who shall willfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined or to be examined, shall, for each and any of said offenses, be deemed guilty of a misdemeanor.

§ 348. The city shall provide a suitable place for the meetings of the examiners, and also a place for holding the examinations, and shall furnish all the necessary stationery and other supplies for the board. The expenses incurred by the board in carrying out the provisions of this act, including salaries, shall be audited and paid like other accounts against the city, and shall be included in the expenses of the school department.

Place for meetings and examinations.

Expenses of board.

TITLE XIII.

DEPARTMENT OF POOR.

§ 349. There shall be a department of poor, of which the overseer of the poor shall be the head. He shall be elected as provided by this act, and shall hold office for the term of three years.

Overseer of poor.

§ 350. The overseer shall have charge and control of all expenditures of money by the city for the relief of the poor.

Expenditures.

§ 351. The overseer shall appoint and may at pleasure remove such subordinates as the common council may by ordinance provide for, and the salaries of such subordinates shall be fixed by ordinance of the common council.

Subordinates.

§ 352. The overseer shall keep full records of all applications for city aid or relief, in suitable books to be provided for that purpose, and to be properly tabulated and indexed. He shall grant no aid or relief until after a strict investigation, made as hereinafter provided, except in case the overseer is satisfied that life or health will be endangered by any delay, and in that event aid must be furnished immediately, and the investigation made within twenty-four hours. The police department, on the requisition of the overseer, shall detail not less than two nor more than four special policemen in each year, for conducting such investigation, and other services in the department of poor, and the expenses of such police investigators, including necessary car fares and stationery, shall be expenses of the department of police, and estimated and defrayed as such. The police investigators shall be chosen with regard to their special fitness for such work. In all cases of application for aid or relief, the police investigators shall, under the direction of the overseer, immediately investigate and report with recommendation to the overseer and to the superintendent of police. It shall be the duty of the overseer to ascertain in each case whether such applicant will become a permanent charge upon the city, and, if so, to certify the same in the proper book of records, whereupon the necessary steps shall be taken by him to cause such applicant to be placed in the proper abode provided by law. The primary investigation in cases requiring hospital aid or treatment may be made by a city physician, in place of a police investigator, and his report shall be sufficient. The overseer may make such further personal examination in any case as he deems expedient, and may, in his discretion, refuse assistance in any case. The overseer may grant as-

Records of applications.

Granting of relief.

Police investigators.

Their duties.

Duty of overseer.

Investigations by city physicians.

Overseer may grant or refuse assistance.

Assistance, how long rendered. assistance, except hospital treatment, to persons contrary to the report of the investigating officer but in all such cases he shall enter fully in his records his reasons for so doing. No person shall receive assistance continuously for more than six months succeeding the report of an investigating officer, without a reinvestigation and new report made in like manner as is hereinbefore provided.

Relief in case support not chargeable to city. § 353. Except in case of extreme exigency, the causes for which shall be fully entered in the overseer's records, and then for not more than* the period of one month, it shall not be lawful for the overseer to grant aid or relief to any person with whose support the city is not chargeable under the general poor laws of the state; but he shall refer all such persons to the proper state or county officer.

Monthly statement and report. § 354. The overseer shall prepare monthly a full statement showing the amount and kind of assistance granted during the previous month. He shall make a report to the common council, prior to the thirtieth day of January in each year, which shall contain a summary of such monthly statements. The monthly statements, the reports of the investigating officers, and all other books and records pertaining to the department, shall be systematically kept, and shall be open for examination at all times by any taxpayer of the city, and by the officers of the police department; and the names and residences of all persons relieved, with other pertinent facts, shall be kept in such books and records. The overseer shall also furnish to the mayor a daily report of the aid and relief granted by him, with the names and addresses of all recipients.

Daily report to mayor. § 355. No order for aid or relief of any kind shall be given to any person under the age of sixteen years at the office of the overseer, whether it be for that person or for any other person.

Orders to certain minors. § 356. The aid and relief granted under this title shall be classified as follows: (a) Orders for provisions, boots and shoes, fuel, and other necessary articles to be furnished to applicants requiring temporary aid, designated "out-door aid." (b) Burial orders. (c.) Orders for hospital aid or treatment, designated "in-door relief." In-door relief in abodes provided by law for cases requiring permanent assistance, shall be granted only by the superintendent of the poor of Erie county, or other proper state or county officer under the general laws of the state, and all cases requiring such relief shall be referred by the overseer to the proper state or county officer.

Classification of aid. § 357. Orders for hospital aid or treatment shall only be made upon the recommendation of a city physician, specifying the nature of the disease or injury, or, if the exigency of the case is such that a formal recommendation can not be obtained before the order is given, the case shall be personally examined and the order approved or disapproved by a city physician within forty-eight hours thereafter.

In-door relief requiring permanent assistance. § 358. The overseer shall contract for burials, and also for furnishing boots, shoes and fuel upon the orders furnished by him, with suitable persons, under ordinances to be enacted by the common council.

Orders for hospital treatment. § 359. Orders of the overseer for provisions, boots and shoes, or fuel or other out-door aid, shall specify what nature of articles shall be furnished on the same, and the value thereof. Except where contracts have been made as provided in the foregoing section, the order shall be drawn in blank as regards the person or firm drawn upon, and they shall be valid evidence of indebtedness against the city, in the hands of the person or firm who shall accept and fill the same.

Contracts for burials and supplies.

Orders, how drawn

Evidence of indebtedness.

§ 360. It shall be a misdemeanor for any person or firm to furnish beer, liquors or intoxicating drinks of any kind on an order of the overseer of the poor, or to buy such order from the person to whom it was issued, or from any other person, before it has been accepted and filled, or to furnish any article not specified or embraced therein. Such orders shall be drawn with proper blank spaces for the following entries, which shall be made thereon by the persons accepting and filling them: (1) The name of the person presenting the order; (2) the name of the person accepting it; (3) the amount and kind of articles furnished, with the prices thereof; and they shall in all cases be returned by the acceptor, or his agents or assigns, to the overseer, to be examined by him and entered in his books of records, and to be countersigned by him before they shall be paid by the city treasurer.

Certain acts relating to orders, misdemeanors. Entries upon orders by acceptors.

Return to overseer.

Duty of city physicians.

Orders for visitations.

§ 361. The city physicians appointed under section two hundred and thirty-four of this act shall render all necessary medical services to indigent sick persons within their respective districts, under rules and regulations prescribed by the overseer of the poor and approved by the board of health, and subject to his directions. The officers in charge of the several police precincts of the city may issue to the several city physicians orders to visit any indigent sick person residing within their respective districts, and it shall be the duty of said city physician to so visit any such person upon receiving such order, and any indigent sick person may apply to any officer in charge of a police precinct for such an order.

§ 362. The overseer shall furnish the city physicians with official prescription blanks, which shall be used by the city physicians in prescribing medicines for the indigent sick attended by them on the order of the overseer or the officers in charge of the several police precincts, under rules and regulations prescribed by the overseer. Said prescription blanks shall be signed by the physician issuing them and shall have the same force and effect, and be accepted and filed* in the same manner, and shall be returned and paid in the same manner as orders of the overseer for provisions issued under section three hundred and fifty-nine of this act. Such prescriptions shall be returned to the overseer of the poor within thirty days for payment.

Official prescription blanks.

How accepted and paid.

Return to overseer.

Reports of city physicians.

§ 363. The city physicians shall furnish to the overseer reports weekly and whenever required by the overseer, of the names and addresses of all persons attended by them, with the nature of their ailments, the number of visits made to each, and the number and kind of prescriptions given to them.

§ 364. Any fraud practiced, or false representation made by an applicant for city aid or relief, or by any other person, to procure aid or relief to be given, or to procure any order for out-door aid to be accepted or filled, or to be paid by the city, or any willful act of any city officer or other person, designed to impede or in any way to interfere with the just and proper administration of this department, shall be a misdemeanor.

Fraud, interference with administration of department, etc., a misdemeanor.

TITLE XIV.

WARD OFFICERS AND THEIR POWERS.

§ 365. The electors of each ward shall elect one supervisor, and one constable, and in addition the electors of the twelfth ward, as the

Supervisors and constables.

* So in the original.

Justice of peace in 25th ward.	said ward was bounded before the passage of this act, which will be the twenty-fifth ward as designated in this act, shall elect a justice of the peace for a term of four years, who shall have and execute in said ward the powers conferred by law upon justices of the peace in towns, but in civil actions and proceedings he shall have jurisdiction only when the defendant is a non-resident of the city at the time the action or proceeding is commenced, or when the plaintiff and defendant both reside in the twenty-fifth ward. The term of office of the supervisor shall be two years and of the constable one year. The supervisors in office at the time this act takes effect shall serve out their respective terms as hereinafter provided. Constables shall have the same powers as constables of towns, except in criminal cases. Each supervisor elected at the annual election of eighteen hundred and ninety and who shall be in office on the first Monday of January, eighteen hundred and ninety-two, shall be the supervisor of the ward created by this act in which he resides on the first day of October, eighteen hundred and ninety-one, for the remainder of the term for which he was elected, if such ward shall be the whole or a part of the ward in which he was elected. At the annual election of eighteen hundred and ninety-one a supervisor shall be elected in each of the wards created by this act in which a supervisor does not hold over as above provided. At each annual election thereafter a supervisor shall be elected by the electors of each ward where the term of its supervisor will expire on the first Monday of January following.
Terms of office.	
Powers of constables.	
Certain supervisors to hold over.	
Election of supervisors.	
Inspectors of election, and appointment of.	§ 366. The electors in each election district shall elect each year at the annual election three inspectors of election, and the board of aldermen, immediately after canvassing the votes cast at the annual election, shall appoint two additional inspectors of election for each election district to be associated with the three inspectors so elected and who shall thereupon be two of the inspectors of election of such district. Such inspectors shall be appointed from the three persons in such election district who shall have received the highest number of votes for the office next to the three inspectors so elected. No ballot shall be counted as a ballot for inspectors upon which more than three names voted for as inspectors shall appear. The term of office of the inspectors of election shall be one year, and they shall act as such inspectors at all elections held in the city during their terms of office.
Term of office.	
Fence viewers.	§ 367. The alderman and supervisor of each ward shall, in their ward, possess the powers of town fence viewers.
Powers of supervisors.	§ 368. The supervisors shall have the same powers as supervisors of the towns of Erie county.

TITLE XV.

ELECTIONS.

Terms of elective officers.	§ 369. The term of all officers elected under this act shall commence on the first Monday of January after their election, except that the terms of officers elected to fill vacancies shall commence as soon as they have qualified, unless herein otherwise provided.
Annual elections.	§ 370. The annual city and ward election shall be held on the same day with the state general election.
Notice of elections to be published.	§ 371. The city clerk shall publish in the official paper, and in three other daily newspapers of the city, one of which shall be printed in the German language, a notice of every election to be held under this act.

The notice shall be published twice a week for three weeks, prior to the election, and shall specify the day on which the election is to be held, the time of opening and closing the polls, the officers to be elected, the boundaries of the several election districts and the places of holding the polls therein.

§ 372. In each district for the election of officers under this act there shall be a ballot-box and other boxes required by the general election laws of the state. Upon the closing of the polls the inspectors shall forthwith, without adjournment, canvass the votes, and shall make and certify statements of the result in the manner required by the general election laws of the state. Separate returns as to city officers voted for, including judges of the superior court of Buffalo, shall be filed by said inspectors in the office of the city clerk on the day next succeeding the election.

Ballot-boxes.

Canvass of votes.

Separate returns.

§ 373. On the second Monday after every annual election, the board of aldermen shall convene at its usual place of meeting at two o'clock in the afternoon, when the city clerk shall lay before it the certificates of the inspectors of election filed with him, and a tabular statement of their results, and the board of aldermen shall forthwith canvass the returns and determine therefrom and certify who received the largest number of votes and are elected to the several offices. The said certificates shall be made in duplicate, one of which shall be filed in the office of the clerk of Erie county, and the other shall be filed and recorded in the office of the city clerk.

Canvass of returns by aldermen.

Certificate of result.

§ 374. If a vacancy occurs in any elective office in the city or in any ward, except that of alderman or councilman, it shall be filled by the common council at a joint session of the boards composing the same, by a viva voce vote. Such joint session shall be called by the mayor. The term of the person so elected to fill such vacancy shall continue until the first Monday in January succeeding the next annual election and until his successor shall have been elected and qualified. In case of a vacancy in the office of alderman, it shall be filled by the election of a resident of the ward in which the vacancy occurs, by the electors thereof, at a special election to be ordered by the board of aldermen. In case of a vacancy in the office of councilman, it shall be filled by election by the board of councilmen until the first Monday of January succeeding such vacancy by a viva voce vote. The remainder of an unexpired term of any elective officer which shall have been temporarily filled, as above provided, shall be filled at the next annual election. If a vacancy shall happen fifteen days before the annual election in any elective office except that of alderman, the unexpired term which shall be one or more years, it shall be filled for the residue of the term at such election, and the city clerk shall publish daily and as quickly as possible, notice thereof, in the newspapers mentioned in section three hundred and seventy-one of this act. If such vacancy, except that of alderman, shall occur within fifteen days of any annual election, it shall be filled by the common council as above provided, until the first Monday of January next succeeding the annual election of the year following, at which election it shall be filled for the residue of the term. The ballot shall, in all cases, specify for what vacant term the person is voted for.

Vacancies in certain elective offices.

Vacancies in aldermen and councilmen.

Vacancies filled at annual elections.

§ 375. Elections held under this act shall be governed by the general election laws of the state, where they are not inconsistent with the provisions of this act.

General laws applicable.

Justice of peace in 25th ward.	said ward was bounded before the passage of this act, which will be the twenty-fifth ward as designated in this act, shall elect a justice of the peace for a term of four years, who shall have and execute in said ward the powers conferred by law upon justices of the peace in towns, but in civil actions and proceedings he shall have jurisdiction only when the defendant is a non-resident of the city at the time the action or proceeding is commenced, or when the plaintiff and defendant both reside in the twenty-fifth ward. The term of office of the supervisor shall be two years and of the constable one year. The supervisors in office at the time this act takes effect shall serve out their respective terms as hereinafter provided. Constables shall have the same powers as constables of towns, except in criminal cases. Each supervisor elected at the annual election of eighteen hundred and ninety and who shall be in office on the first Monday of January, eighteen hundred and ninety-two, shall be the supervisor of the ward created by this act in which he resides on the first day of October, eighteen hundred and ninety-one, for the remainder of the term for which he was elected, if such ward shall be the whole or a part of the ward in which he was elected. At the annual election of eighteen hundred and ninety-one a supervisor shall be elected in each of the wards created by this act in which a supervisor does not hold over as above provided. At each annual election thereafter a supervisor shall be elected by the electors of each ward where the term of its supervisor will expire on the first Monday of January following.
Terms of office.	
Powers of constables.	
Certain supervisors to hold over.	
Election of supervisors.	
Inspectors of election, election and appointment of.	§ 366. The electors in each election district shall elect each year at the annual election three inspectors of election, and the board of aldermen, immediately after canvassing the votes cast at the annual election, shall appoint two additional inspectors of election for each election district to be associated with the three inspectors so elected and who shall thereupon be two of the inspectors of election of such district. Such inspectors shall be appointed from the three persons in such election district who shall have received the highest number of votes for the office next to the three inspectors so elected. No ballot shall be counted as a ballot for inspectors upon which more than three names voted for as inspectors shall appear. The term of office of the inspectors of election shall be one year, and they shall act as such inspectors at all elections held in the city during their terms of office.
Term of office.	
Fence viewers.	§ 367. The alderman and supervisor of each ward shall, in their ward, possess the powers of town fence viewers.
Powers of supervisors.	§ 368. The supervisors shall have the same powers as supervisors of the towns of Erie county.

TITLE XV.

ELECTIONS.

Terms of elective officers.	§ 369. The term of all officers elected under this act shall commence on the first Monday of January after their election, except that the terms of officers elected to fill vacancies shall commence as soon as they have qualified, unless herein otherwise provided.
Annual elections.	§ 370. The annual city and ward election shall be held on the same day with the state general election.
Notice of elections to be published.	§ 371. The city clerk shall publish in the official paper, and in three other daily newspapers of the city, one of which shall be printed in the German language, a notice of every election to be held under this act.

The notice shall be published twice a week for three weeks, prior to the election, and shall specify the day on which the election is to be held, the time of opening and closing the polls, the officers to be elected, the boundaries of the several election districts and the places of holding the polls therein.

§ 372. In each district for the election of officers under this act there shall be a ballot-box and other boxes required by the general election laws of the state. Upon the closing of the polls the inspectors shall forthwith, without adjournment, canvass the votes, and shall make and certify statements of the result in the manner required by the general election laws of the state. Separate returns as to city officers voted for, including judges of the superior court of Buffalo, shall be filed by said inspectors in the office of the city clerk on the day next succeeding the election.

Ballot-boxes.

Canvass of votes.

Separate returns.

§ 373. On the second Monday after every annual election, the board of aldermen shall convene at its usual place of meeting at two o'clock in the afternoon, when the city clerk shall lay before it the certificates of the inspectors of election filed with him, and a tabular statement of their results, and the board of aldermen shall forthwith canvass the returns and determine therefrom and certify who received the largest number of votes and are elected to the several offices. The said certificates shall be made in duplicate, one of which shall be filed in the office of the clerk of Erie county, and the other shall be filed and recorded in the office of the city clerk.

Canvass of returns by aldermen.

Certificate of result.

§ 374. If a vacancy occurs in any elective office in the city or in any ward, except that of alderman or councilman, it shall be filled by the common council at a joint session of the boards composing the same, by a viva voce vote. Such joint session shall be called by the mayor. The term of the person so elected to fill such vacancy shall continue until the first Monday in January succeeding the next annual election and until his successor shall have been elected and qualified. In case of a vacancy in the office of alderman, it shall be filled by the election of a resident of the ward in which the vacancy occurs, by the electors thereof, at a special election to be ordered by the board of aldermen. In case of a vacancy in the office of councilman, it shall be filled by election by the board of councilmen until the first Monday of January succeeding such vacancy by a viva voce vote. The remainder of an unexpired term of any elective officer which shall have been temporarily filled, as above provided, shall be filled at the next annual election. If a vacancy shall happen fifteen days before the annual election in any elective office except that of alderman, the unexpired term which shall be one or more years, it shall be filled for the residue of the term at such election, and the city clerk shall publish daily and as quickly as possible, notice thereof, in the newspapers mentioned in section three hundred and seventy-one of this act. If such vacancy, except that of alderman, shall occur within fifteen days of any annual election, it shall be filled by the common council as above provided, until the first Monday of January next succeeding the annual election of the year following, at which election it shall be filled for the residue of the term. The ballot shall, in all cases, specify for what vacant term the person is voted for.

Vacancies in certain elective offices.

Vacancies in aldermen and councilmen.

Vacancies filled at annual elections.

§ 375. Elections held under this act shall be governed by the general election laws of the state, where they are not inconsistent with the provisions of this act.

General laws applicable.

TITLE XVI.

HARBOR-MASTER.

Harbor-master. § 376. There shall be a harbor-master, who shall be appointed by the mayor, and hold his office for the term of three years, and shall have an office near the foot of Main street and shall be in daily attendance therein.

Jurisdiction and authority of. § 377. The harbor-master shall have jurisdiction over all navigable waters under the control of the city. He shall have authority to direct the location and change of station of every steamboat, sailing vessel, float or other craft therein, and shall enforce the ordinances of the city regulating the use of such waters. In case any steamboat, sailing vessel, float, or other craft, shall be so placed as to obstruct navigation, and the person in charge thereof shall refuse to remove it as directed, the harbor-master shall cause such removal to be made, and the expense shall be a lien on the steamboat, vessel, or float so removed, and may be recovered by the city of the owner by action.

To enforce ordinances. § 378. He shall enforce the ordinances relating to the navigable waters of the city. He shall report to the corporation counsel all violations of such ordinances, and all cases of disobedience to his lawful order, and the corporation counsel shall thereupon bring an action to enforce the fine or penalty prescribed for such violation or disobedience.

Sale of rights to cut ice. § 379. The harbor-master shall have the exclusive disposition and sale of the right and privilege to cut and remove all ice formed upon the waters under the jurisdiction of the city; and all moneys received by him therefor shall be paid to the city treasurer and a report thereof be made by him to the common council.

Sunken vessels and wrecks, removal of. § 380. Whenever any sunken vessel or wreck shall obstruct the navigation of any navigable water under the control of the city, the harbor-master shall order the owner or person in charge of such sunken vessel or wreck, to remove the same at once; and, in case his order is not obeyed, he shall cause the removal to be made, and the expense thereof shall be a lien upon the vessel or wreck so removed, and may be recovered by the city of the owner by action.

Assistance of police. § 381. The harbor-master may call upon the board of police for such aid to execute his orders as he may require, and the board shall furnish such assistance.

TITLE XVII.

POLICE JUSTICE AND JUSTICES.

Police justice, powers, etc., of. § 382. There shall be elected a police justice, who shall hold his office for the term of four years, and who shall have and execute in the city all powers conferred by law upon justices of the peace of towns, in proceedings in criminal cases, and in the execution of the laws relating to the internal police of this state, and shall also have jurisdiction of the offenses designated by chapter four hundred and nine of the laws of eighteen hundred and eighty-six. He shall take the usual oath of office and file the same with the clerk of the county of Erie. He shall hold in the city a court, which shall be called the police court, and shall have in respect to offenses committed in the city, all the powers and jurisdiction conferred by law upon courts of special sessions held out of the city and county of New York. It shall also have jurisdiction of the misdemeanors mentioned in this act. All

Police court.

Fines.

fines imposed by the police justice or by the police court shall be paid by the officer who shall receive them into the city treasury. The police justice shall make a monthly report to the common council of his doings, and of the fines received by him. Warrants issued in criminal cases, and in the execution of the laws relating to the internal police of this state, shall be returnable before the police justice, who shall proceed with the hearing. No person issuing such warrant shall receive any fee therefor. During the sickness, temporary absence, or other inability of the police justice to discharge his duties, the mayor may perform his duties, or may appoint an elector of the city to perform them. Said police justice may be removed from office by the supreme court, at a general term, as prescribed by the Code of Criminal Procedure.

Monthly report.

Warrants issued, how returnable.

Mayor, etc., when may perform duties. Removals from office.

§ 383. The police justice shall be paid in monthly payments, an annual salary, to be fixed by ordinance, by the common council; and shall not receive any other fees or compensation for services as police justice.

Annual salary.

§ 384. The police justice shall appoint a clerk and a deposition clerk which appointments shall be in writing and filed with the clerk of the county of Erie. The clerk appointed under this act shall take the usual oath of office and file the same with the county clerk, and shall hold office during the pleasure of the police justice. The clerk shall keep a complete and accurate record of all the proceedings in said court and of all moneys received or fines imposed. He shall daily file with the clerk of the county of Erie records of all convictions in said court, which records shall specifically state the crime and plea of each person convicted in said court. He shall prepare the monthly report to the common council prescribed in section three hundred and eighty-two of this act, and shall perform such other clerical duties in connection with the proceedings of said court as shall be prescribed by the police justice.

Clerk and deposition clerk.

Duties of clerk.

§ 385. There shall be two justices of the peace elected by the electors of the city of Buffalo on the general city ticket. The police board shall designate the justices of the peace to attend the police station-houses in the city, who shall appear at such houses every morning at the hour prescribed by the police department, and examine into the case of every person confined therein, and make delivery. The justice of the peace in office when this act takes effect shall continue in office until the expiration of the term for which he was elected. A justice of the peace shall be elected on the general city ticket at the annual election of eighteen hundred and ninety-one, and thereafter a justice of the peace shall be elected at the annual election preceding the first Monday in January in each year, when the term of any justice of the peace shall expire. Said justice shall have power to try cases of drunkenness, vagrancy and all other offenses against any of the laws of the state, or the ordinances of the city of Buffalo, which may be tried summarily and without a jury, by a justice of the peace or court of special sessions, committed by any person he shall find confined in the station-house, and to sentence every person found guilty of any such offense pursuant to the statute or ordinance creating such offense. In all other cases such justices shall have and possess such powers and jurisdiction as are prescribed in this act. Each of said justices shall execute a bond to the city of Buffalo, with sufficient sureties to be approved by the board of police for the faithful performance of his duty, and for the accounting for and paying over all fines and penalties received by him as such justice in such sums as the police board shall

Justices of peace. Designation to attend station-houses. Present justice. Annual election of justice.

Powers and jurisdiction.

Official bond.

Salaries.	require. All suits or actions brought on said bonds shall be in the name of the city of Buffalo. The salaries of the said justices and of the justice elected in and for the twelfth ward, designated under this act as the twenty-fifth ward, shall be fixed at a meeting of the board of police, at which the mayor shall be present and preside, with the concurrence of the common council. During the term of office of such justices, the said board shall from time to time, designate at which station-house or houses, substation-house or houses the said justices as justices of the police or either of them, shall attend; and at any time during said term of office the said justices, or either of them, may be transferred from one station-house to another, at the pleasure of the board; said board of police shall have power to suspend or remove such justices of the police from duty as such justices of the police, or either of them for misconduct in office or neglect of duty; to be specified in the order of suspension or removal; but no such removal shall be made without reasonable notice to the justice complained of, and an opportunity afforded him to be heard in his defense. In case of the sickness, absence or inability of any justice, the board of police may appoint another justice of the peace to perform his duties during such sickness, absence or inability, and the justice of the peace so temporarily appointed shall have all the powers and perform all the duties of justices under this act. All fines and penalties imposed by any or either of said justices, collected by them or the keeper of the Erie county penitentiary, or otherwise, shall be paid over every week, by the person receiving the same, to the treasurer of the city of Buffalo, and be by said treasurer credited to the police fund of said city for the use and benefit thereof. All the provisions of this section shall be applicable to the justices of the police in office at the time of the passage of this act.
Station-house for justices to attend.	
Removals or suspensions from duty.	
Provision in case of disability of justice.	
Fines, etc., payment of, to treasurer.	
Present justice of police.	
Certain prisoners sent to police justice.	<p>§ 386. If any person confined in a station-house is charged with a criminal offense, the justice shall enter the charges in a book to be kept for that purpose, and send such prisoner to the police justice for examination.</p>
Duty in case of violation of ordinances.	<p>§ 387. If any person therein is charged with a violation of any ordinance of the city, the justice shall enter the charge in his book, and read it to the person charged, and enter in his book the plea of such person thereto. If such person denies the charge, the justice, if he deems it expedient, or if the person charged requires it, shall</p>
Issue of warrants.	<p>1. If the violation charged is punishable by fine only, issue a warrant at the suit of the city against such person, returnable before the municipal court of Buffalo.</p> <p>2. If the violation charged is punishable by imprisonment, issue his warrant and cause such person to be taken before the police justice. The justice shall cause notice to be given to the corporation counsel.</p>
Summary hearings.	<p>§ 388. If the justice shall not issue a warrant as above provided, he shall proceed summarily to hear, try and determine the charge, and if he shall find such person to be guilty, he shall sentence him pursuant to ordinance.</p>
Commitments for non payment of fine, etc.	<p>§ 389. If the justice shall sentence such a person to pay a fine, and if it is not paid immediately, he shall, by warrant, commit such person to the penitentiary, there to be confined for the term of one day for each and every dollar of such fine, not exceeding six months, unless it shall be sooner paid. If the justice shall sentence such person to imprisonment, he shall, by a warrant, commit such person accordingly.</p>

§ 390. When the justice shall commit any person he shall, on the same day, make and file with the clerk of Erie county a record of the conviction in which it shall be sufficient to state the charge so specifically as to show a violation of the ordinance, the plea of the person charged, the fact of conviction, and the judgment.

Record of convictions, how filed.

TITLE XVIII.

PUBLIC GROUNDS STREETS AND WATERS.

§ 391. The city may lay out, enlarge and alter parks, public grounds, squares, streets, alleys, canals, basins, slips or other public waters, and cause them to be surveyed, described and recorded in a book to be kept by the city clerk.

Parks, streets, etc., to be surveyed and recorded.

§ 392. The grade of each street shall be established and described, and the description of such grade, and of all alterations thereof, shall be recorded by the city clerk. No street shall be worked until the grade thereof is established and recorded.

Street grades.

§ 393. The streets shall be suitably divided into carriageways and sidewalks.

Carriageways and sidewalks.

§ 394. The city may discontinue or contract a street or alley, or any part of it, upon the written application of two-thirds in number of the owners of, the lands fronting on the street or alley, the lineal front of whose lands shall constitute two-thirds of the lineal front of all the lands on the street or alley. A continuous street or alley, portions of which bear different names is to be considered as a single street or alley.

Streets or alleys, may be discontinued.

§ 395. The city shall remove all encroachments upon, projections over and obstructions on the public grounds, streets, alleys and wharves, and abate all nuisances; and cause the expense to be assessed upon the lands upon, or in front of which such encroachment, projection, obstruction or nuisance was or upon the parcels of land benefited by such removal.

Removal of encroachments and nuisances.

§ 396. It may cause streets and alleys to be opened, leveled, repaired, cleaned and watered; crosswalks, culverts, sewers, drains, receivers, aqueducts, wharves, piers, canals, slips and basins to be constructed, enlarged, repaired and cleaned.

Street improvements. Sewers, wharves, etc.

§ 397. It may cause any street or alley to be graded or regraded, graveled or regraveled, macadamized or remacadamized, or paved or repaved. When it is proposed to pave or repave any street or alley, plans and quantities shall be prepared for doing the same with each kind of pavement for the laying of which specifications have been filed by the board of public works. The latter body shall advertise for bids for doing the same, in accordance with such plans, specifications and quantities, and report the same to the common council. After thirty days, and within sixty days from such report, the common council shall determine which kind of pavement shall be used, and in case a majority petition shall not have been presented, shall declare its intention to order the street paved with any kind of pavement it may select. The specifications may provide that the persons submitting bids or proposals shall agree to enter into contract to do the work, and to keep and maintain the same in good repair for a certain definite period, and a contract may be entered into in accordance therewith, and a local assessment made to defray the expense thereof, anything in this act to the contrary notwithstanding.

Paving, etc., of streets or alleys.

Plans and quantities.

Determination as to kind of pavement, etc.

Specifications and contracts.

Local assessment. Work in

§ 398. When the expense of the work or improvement mentioned

excess of \$500, how ordered.

By three-fourths vote of council.

Upon application of persons liable to be assessed.

Reference of application to assessors.

Certificate of assessors.

Signers of petitions, when not counted, etc.

Expenses defrayed by local assessments.

Public buildings, bridges, reservoirs, etc.

Parks, etc.

Boundaries of streets, etc.

Dedication of new streets.

Record of streets, public grounds, docks, etc.

in the last section will exceed the sum of five hundred dollars, it shall not be ordered except:

1. Upon the vote of three-fourths of all the members elected to the common council, and after notice of the intention to order it shall have been published three times a week for two weeks, in the official paper of the city; or,

2. Unless it shall be applied for by a majority of the resident owners of the lands fronting on the street or alley, representing at least two-fifths of all the feet front of the lands on the street or alley, in and along which such improvement is to be made; or if such improvement is intended to be made in and along only part of such street or alley, then by a majority of such resident owners of the lands, representing at least two-fifths of all the lands fronting on the part of such street or alley as to which such improvement is to be made. The application shall be referred to the board of assessors, to ascertain whether such majority, and the owners of two-fifths of the lands, applied for the improvement. Unless the board of assessors shall certify that such application is made by a majority of such owners, and that they own at least two-fifths of the land as herein provided, the improvement shall not be ordered.

§ 399. The board of assessors shall return the application to the common council, with its certificate thereon as to the facts required, which certificate shall be conclusive as to the facts. The board of assessors shall also certify whether in its judgment, any of the lands have been divided for the purpose of affecting such majority. No certificate shall be made by the board of assessors until the expiration of five days from the time the application was referred to it. No person signing a petition shall be considered or counted on a petition for a different kind of pavement for the same improvement, or on a remonstrance against a petition signed by him within three months thereafter.

§ 400. The expense of all the work or improvements mentioned in sections three hundred and ninety-six and three hundred and ninety-seven of this act, except the cleaning of streets and alleys, the cleaning and repairing of sewers and receivers, and the repairing of the accepted streets, shall be defrayed by local assessments.

§ 401. The city may construct, maintain and repair a city hall, markets and other public buildings, bridges and reservoirs, wells and fountains, and places for supplying the public with water; maintain, improve and embellish parks, squares, open spaces and other public grounds, and defray the expense, or any part thereof, out of the general fund or by local assessment; but all bridges shall be constructed, maintained and repaired out of the general fund. Hereafter no public well shall be ordered in a water district.

§ 402. The city shall have power to ascertain, establish and settle the boundaries of all streets, alleys, parks, squares, open spaces and other public grounds, and to direct the city clerk to record the same. Whenever any person shall propose to dedicate a new street, or a part of a new street, he shall submit the plan thereof to the board of public works for its approval, before the same is presented to the common council. The board shall report the plan with its opinion, to the common council before the proposed street or part of a street shall be accepted.

§ 403. The city shall cause the streets, alleys, parks, squares, open spaces and other public grounds, canals, slips, wharves or docks in the city, or any part thereof, which have been laid out, but not recorded

or sufficiently described or which have been used for twenty years but not recorded, to be ascertained, described and recorded in a book to be kept by the city clerk.

§ 404. Buffalo river, within the city, is a public highway, but any bridge heretofore built and now existing over the same, and any swing or draw bridge hereafter built over the same, within the city, by authority of the common council, is a lawful structure, but nothing herein contained shall be construed to repeal or in any manner affect chapter three hundred and forty-five of the laws of eighteen hundred and eighty-six, or any act amendatory thereof.

Buffalo river and bridges over same.

§ 405. The city may widen, straighten, enlarge, clear from obstruction, dredge, deepen and put and maintain in navigable condition the Buffalo river, the Black Rock harbor, the lake, the basins, slips, and other waters in the city, and defray the expense, or any part of it, out of the general fund or by local assessment. Nothing in this act shall be construed to allow the city of Buffalo to have, use or exercise any control over the canals, basins, harbors, slips, or other works belonging to the state within the limits of the city.

Improvement of river, harbor, lake, etc.

Proviso as to state canals.

§ 406. When the city shall alter the recorded grade of any street or alley, the owner of any house or lot fronting thereon may, within one year thereafter, claim damages by reason of such alteration. Upon presentation of such claim, the board of aldermen shall refer it to the board of assessors. The board shall hear the claimant and award such damages as shall be just. In case the board shall award damages to any person, it shall assess the same upon the real estate benefited by the alteration. The amount so assessed shall, when collected, be paid to such claimant.

Damages for change of street grades.

§ 407. No work or improvement specified in this act, except those mentioned in section three hundred and ninety-seven, the expense of which shall be estimated to exceed five hundred dollars, shall be ordered, unless by the vote of two-thirds of all the members elected to each board composing the common council, after publication in six successive numbers of the official paper and in one other daily paper of the city of the intention to order such work or improvement.

Improvements to be made after notice, by two-thirds vote.

§ 408. The city shall not enter into a contract with any person for the doing or making of any work or improvement at a price exceeding five hundred dollars, until it shall have caused a notice to be published in the official paper and two other daily papers of the city twice a week for two weeks, inviting sealed proposals to do the work or make improvement, pursuant to the plan, specifications or other proper description of the work or improvement to be specified in the notice; and shall not enter into a contract for the doing or making of any such work or improvement for a price exceeding five hundred dollars, until the assessment therefor has been confirmed, and has been delivered to the treasurer. Except that the common council may order any street cleaned, sprinkled or watered in addition to such work already contracted for by the city, and the city may enter into a contract therefor upon a petition of the majority of the resident owners upon said street, without publishing such notice, and before the assessment therefor has been confirmed. The city shall include in the plans, specifications and quantities of the improvement of any street by paving or otherwise, which shall be hereafter ordered, the specifications and quantities of work and material necessary to be done and furnished for the purpose of making connections with the pavement or grade in all streets crossing the one in which such improvement is to be made, and for connecting the termination of such im-

Notice to be given of receiving proposals for work.

Proviso.

Connections with crossing streets, plans, etc., for.

Expense
of labor
and mate-
rials.

provement with the work and grade on such street. The expense of the labor and materials of the connections shall be included in the assessment ordered to defray the expense of the improvement, and shall be assessed upon the property benefited thereby.

Deficiency
in assess-
ments.

§ 409. In case an assessment shall prove to be insufficient to defray the expense of the work or improvement for which it was made, the common council shall determine the amount of such deficiency, and may direct the board of assessors to apportion the same ratably upon the assessments in the assessment-roll. The board shall make an assessment-roll accordingly.

Sidewalks,
how built
and main-
tained.

§ 410. The city may construct, maintain and repair sidewalks at the expense of the owners of the parcels of land in front of which the work is done. The common council shall direct the expense of the work to be assessed upon the parcels of land in front of which the work is to be done in proportion to the benefit. All work provided for in this title, after having been ordered by the common council, shall be executed under the direction of the board of public works.

TITLE XIX.

LIGHT.

Lighting
streets,
etc.

§ 411. The city may light the streets or contract for the lighting of them and may purchase, construct, maintain and regulate works to provide the city and its inhabitants with light.

Lamp dis-
trict,
boundaries
of.

§ 412. The common council shall prescribe the boundaries of the lamp district, and may, from time to time, and after the publication in five successive numbers of the official paper of the intention so to do, alter or enlarge the same. No such extension shall be made except upon a petition of a majority of persons owning property and residing within the limits of the proposed extension, or in the absence of such petition, by a three-fourths vote of each board of the common council.

Expenses
of exten-
sion, how
paid.

§ 413. When the lamp district shall be extended, the expense of the extension, including the cost of the pipes, lamp-posts and lamps, shall be raised by assessment upon the lands within such extension, but the cost of the main pipes and the expense of laying the same, in any streets, shall not be taken as a part of the expense of the extension nor included in the assessment. These expenses may be paid in the first instance out of the general fund. In the month of March, in each year, the common council shall direct an assessment to be made upon the lands included within the several extensions made during the preceding year for the aggregate amount of the expense of such extensions, to reimburse the general fund for the moneys paid therefrom for such extensions. A separate account shall hereafter be kept of the gas consumed in all such extensions during the year for which they are made, and such gas shall be paid for out of the general fund. One-half of the amount so paid for gas shall be added to the estimate of the general fund, and the other included in the lamp tax of the succeeding year.

Account
of gas con-
sumed in
exten-
sions.

Expense
of lighting
and main-
taining
district.

§ 414. The common council shall cause to be raised yearly a sufficient amount of money to defray the expense of lighting and maintaining the lamp district, and keeping the pipes, lamp-posts, lamps and other fixtures in repair, one-half of which amount shall be included in the general tax, and paid out of the general fund; the other half shall be apportioned by the comptroller upon the taxable property in the district, as set down in the assessment-rolls, and the tax shall be set

down in a separate column of the general tax-roll, to be headed "lamp-tax," and shall be levied and collected in the same manner as the general tax.

§ 415. The streets or parts of streets of the city which are or may hereafter be lighted by electric light, shall be deemed a part of the lamp district, and the expense of such electric lighting shall be included in the amount raised to defray the expense of lighting and maintaining the lamp district. Electric lighting.

§ 416. The city may contract with any person or corporation to furnish the materials and labor necessary to be used and done in making all extensions of the lamp district, and for lighting the public buildings and the streets of the city, and keeping the lamps in repair, for such time as the common council shall designate, not exceeding five years for any one contract. Sections four hundred and seven and four hundred and eight of this act shall not apply to any such contract. The city may purchase from time to time and keep on hand such number of lamp-posts and lamps as the common council may deem necessary, for replacing lamps and posts which shall become unfit for use, and supplying all extensions of the lamp district therewith, and pay for the same out of the general fund; and shall furnish such posts and lamps for such extensions at the price which the city shall have paid for the same. All the work provided for in this title, after having been ordered by the common council, shall be executed under the direction of the board of public works. Contracts.

Purchase of lamps and posts.

Work, how executed.

TITLE XX.

OF EMINENT DOMAIN.

§ 417. The city shall have power to take lands for public buildings, for parks, public grounds, squares, streets, alleys, fountains, canals, basins, slips and other public waters, and for any other corporate purpose or object. Taking of lands for corporate purposes.

§ 418. When it shall be intended to take any lands for any of said purposes or objects, the board of aldermen shall require the board of assessors to ascertain and certify the district that will be benefited thereby and will be assessed therefor and the common council shall not adopt any resolution declaring its intention to take such lands until the report of the assessors has been received and confirmed. The common council shall thereupon, by resolution, declare such intent, and describe the lands intended to be taken, and shall at the same time declare whether the expense of the same shall be paid by general or local fund, or in part by a local fund, and, if wholly or partly by a local fund, define the district that will be assessed therefor. Upon such resolution becoming of force, the city clerk shall cause the same to be published in the official paper daily for two weeks. Certificate to be made by assessors.

Resolution of intention to take lands.

Publication.

§ 419. Within three months after the expiration of the said publication, the common council may declare, by resolution, to be adopted by a vote of two-thirds of the members of each board, that the city has determined to take such lands for the purpose specified in such resolution. Declaration of taking lands.

§ 420. Upon such resolution becoming of force, the corporation counsel shall give notice that the city has determined to take the lands therein described for the purpose stated, and that on a specified day he will apply to a court, to be held on that day, in the city, naming the Notice of application for commissioners of estimate.

How
served.

court of record to which such application is to be made, for the appointment of three commissioners to ascertain the just compensation to be made for such lands, by publishing such notice daily for two weeks in the official paper, by leaving a copy thereof at each inhabited building on such lands with a person of full age, and by serving a copy thereof personally on each person who, by the records of Erie county clerk's office, appears to be the owner or mortgagee of such lands or any part of them, or by depositing it in the post-office in the city, with the postage prepaid, addressed to him at Buffalo, at least ten days before the time when the application is to be made. If any such owner or mortgagee has an agent registered as provided in this act, the notice, when not personally served on such owner or mortgagee, shall be served on such agent personally, or by depositing it in the post-office addressed to him.

Applica-
tion by
corpora-
tion coun-
sel.

Appoint-
ment of
commis-
sioners.

Notices to
attorneys.

Notice of
pendency
of proceed-
ings to be
filed.

Change of
ownership
not to
affect pro-
ceedings.

Court may
order no-
tice of
pendency
canceled,
etc.

Vacancies
in com-
missioners.

Court may
make nec-
essary
orders, etc.

Practice.

Extension
of time to
report.

§ 421. At the opening of such court on the day designated in the notice, or as soon thereafter as he can be heard, the corporation counsel shall, upon a copy of said resolutions, certified by the city clerk, and proof of the giving of said notices as aforesaid, apply to such court to appoint such commissioners. Such court shall hear such application, and may appoint three commissioners to ascertain the just compensation to be made for such lands.

§ 422. If an attorney-at-law shall appear for any person in such proceedings, and serve notice thereof upon the corporation counsel, he shall be entitled to notice of all subsequent proceedings. The corporation counsel shall cause the order appointing the commissioners, together with a notice of the pendency of the proceeding directed to all persons upon whom service has been made, as provided in section four hundred and twenty of this act, to be filed in the office of the clerk of the county of Erie, who shall record the same in like manner as notice of pendency in an action to foreclose a mortgage. When any proceeding of appraisal has been commenced no change of ownership by voluntary conveyance or transfer of the real estate or any interest therein shall in any manner affect such proceedings, but the same may be carried on and perfected as if no such conveyance or transfer had been made. In case any such proceedings shall be at any time discontinued, the court in which the same shall have originated may, upon the application of any person interested, with or without notice to the persons who have appeared therein, as it shall determine, make an order directing the cancellation of such notice of pendency of such proceeding, which shall be filed in the office of the clerk of the county of Erie, and thereupon the clerk of said county shall cancel and discharge of record such notice of pendency.

§ 423. If any commissioner shall die or be disqualified or excused by the court from serving, the court, upon application of the corporation counsel, may appoint another in his place. In all cases of appraisal under this act, when the mode or manner of conducting all or any part of the proceedings for the appraisal and proceedings consequent thereon are not expressly provided for by this act, the court before which such proceedings may be pending shall have the power to make all necessary orders and give all the proper directions to carry into effect the object and intent of this act. The practice in such cases shall conform, as near as may be, to the ordinary practice in such court. The court may, from time to time, upon the application of the corporation counsel, with or without notice, as the court may direct, extend the commissioners time to make and file their report until such time as the court may fix, and such order shall take

effect upon the filing thereof. The proceedings of the city in exercising the right of eminent domain shall not be enjoined, restrained or interfered with by any order or mandate of any court or judge.

Proceeding
not to be
enjoined.

§ 424. The commissioners, before they enter upon their duties, shall take and subscribe an oath that they will faithfully perform their duties, and will ascertain and report the just compensation to be made for the lands. Any of them may issue subpoenas and administer oaths to witnesses. A majority of them may adjourn the proceedings before them from time to time in their discretion. They shall appoint a time and place for the hearing. They shall view the lands, and hear all legal evidence offered by the city or any person interested in the lands. They shall ascertain the just compensation to be made to the owners of and to the persons interested in the lands; and they shall, within sixty days after their appointment, make a report to the court which appointed them, by filing the same, together with their oath, with the clerk of such court. The report shall be signed by all of the commissioners.

Oath of
office.

Powers
and duties
of com-
missioners.

Report to
court.

§ 425. If the commissioners shall not be able to agree, they shall certify the fact to the court, which may, upon the application of the corporation counsel, appoint new commissioners.

New com-
missioners
in case of
disagree-
ment.

§ 426. Upon the filing of the report of the commissioners the corporation counsel shall communicate the fact of such filing, stating the whole amount of the awards to the common council. The common council may, at or after the second regular meeting thereafter, by resolution, direct that the corporation counsel shall apply to the court for the confirmation of said report or for the discontinuance or abandonment of said proceeding, and the corporation counsel shall comply with such resolution. Such action of the common council shall be taken within three months from the time when the filing of such report shall have been communicated to it by the corporation counsel. In case the corporation counsel shall apply for the discontinuance or abandonment of such proceeding, the court shall ascertain and determine the reasonable and necessary expenses and disbursements incurred by each person who has appeared in said proceeding, either in person or by attorney, and the same shall be paid to such persons by the city. The city shall pay all taxes and assessments which shall be levied or assessed after the confirmation of the report upon any of the property taken as herein prescribed. Upon the coming in of the report of the commissioners the court may confirm the report or annul it, or refer it back to the commissioners, or to new commissioners to be appointed by it. If the court shall confirm the report of the commissioners, the order of confirmation shall recite the proceedings, and describe the lands taken, and shall be conclusive upon the city and upon the owners of and all persons interested in the lands.

Report to
council.

Action of
council
thereupon.

Expenses,
etc., in case
of discon-
tinuance,
how paid.

Taxes, etc.

Court may
confirm or
refer back
report.

§ 427. The clerk of the court shall make up a roll of such proceedings, by attaching together all the reports therein filed in his office, and a copy of all orders made therein by the court.

Roll of
proceed-
ings.

§ 428. The order of confirmation shall be recorded in the office of the clerk of Erie county, and in the office of the city clerk, and such record, or a copy thereof, certified by the clerk, shall be evidence of the facts therein contained.

Record of
order of
confirma-
tion.

§ 429. The commissioners shall be paid by the city six dollars per day as compensation for their services upon filing their report, or their certificate of disagreement, and the court may, in addition, allow to the commissioner who drew up the report a reasonable compensation, not exceeding the sum of fifty dollars.

Compensa-
tion of
commis-
sioners.

Amount of awards, etc., how ascertained and raised.

§ 430. Upon the confirmation of the report of the commissioners, the common council shall ascertain the amount of money required to pay the compensation awarded and the cost of the proceedings. The amount which is to be raised by general tax shall be included in and raised in the general tax next thereafter to be levied. The amount which is to be raised by local assessment it shall cause to be assessed upon the real estate benefited, in accordance with the declaration of intention.

Payment of awards.

§ 431. Within one year after the confirmation of the report of the commissioners, the city shall make to the persons to whom compensation shall have been awarded by the commissioners, the compensation awarded to them respectively.

Payment into court in certain cases.

§ 432. In case any such person shall refuse the same, or be unknown, or incapacitated, or the right to the compensation be disputed, or be doubtful, the city may pay the amount of such compensation into the court in which the proceedings to take the lands were had, with a statement of the facts and circumstances of the case.

Power of court thereupon.

§ 433. The court shall have power to order the investment of such money, to ascertain who is entitled to it, or any and what part of it, and to order its payment accordingly.

Fee of land, when vested in city.

§ 434. Upon making to the respective persons the compensation awarded to them, or paying the same into court as aforesaid, the fee of the lands taken shall vest in the city.

Temporary loans.

§ 435. If the amount necessary to make such compensation has not been realized by the city, it may borrow the same temporarily.

Set-off of assessments and awards.

§ 436. When any lands of any person to whom compensation is awarded for an interest in lands taken by the city, or of any person acquiring title under such person subsequent to the filing of the notice of pendency herein provided for, shall be assessed to pay such compensation, the court in which the proceedings were had may, upon the confirmation of the assessment, and upon the application of such person, or the city, set off the amount of such assessment and the amount of such award, and certify the balance.

Leases upon lands taken, when to expire.

§ 437. When any real estate, subject to any lease or other agreement, shall be taken by the city under this title, all the covenants and stipulations contained in such lease or agreement shall, upon the expiration of one year from the confirmation of the commissioners' report, determine and be discharged; and when a part only of any real estate shall be so taken, the said covenants and stipulations shall be so discharged only as to the part taken; and the court in which the proceeding was had may, on application of any party in interest to such lease or agreement, and after a notice in writing of eight days to the other parties interested, appoint three commissioners to determine the rents, payments and conditions which shall be thereafter paid and performed under such lease or agreement, in respect to the residue of such real estate; and the report of the said commissioners on being confirmed by the court, shall be binding and conclusive on all persons interested in such real estate.

Appointment of commissioners to report rents, etc.

City may take lands within bounds of streets.

§ 438. The city may take in fee for public streets, alleys and squares, the lands situate within the boundaries of any of the public streets, alleys and squares in said city, which have been or shall have been used as public streets, alleys or squares for more than ten years, and for that purpose may include in one proceeding any number of streets and alleys, or parks, squares or public grounds.

Proceedings therefor.

§ 439. The proceedings to take lands under the preceding section shall be pursuant to this title, except that no other service of notice

required by section four hundred and twenty, shall be necessary than the publication thereof; the lands situated within the bounds of any street or alley, or any part thereof; or of any number of streets, may be included in one proceeding but nothing in this or the preceding section contained shall authorize said city to divest any existing right to lay down or maintain any pipes or railroads and appurtenances in, upon or across said streets or alleys.

§ 440. If for any reason the city shall have failed to appropriate any land acquired by it for public use, or to appropriate any part thereof to such use, or shall have abandoned such use, the common council may authorize the sale, release and conveyance, under the hand of the mayor and the corporate seal of said city, of any of such lands, or of any part thereof, after the parcel sought to be sold shall have been appraised, as hereinafter provided, upon payment of the amount at which the interests of the city in said lands shall have been appraised.

Sale of lands acquired for public use.

§ 441. Whenever it shall be represented to the common council that lands designated in the foregoing section have not been appropriated for the purposes for which they were acquired, and that the same can be sold, the common council may, by resolution, direct the interests of the city in such land to be appraised in the same manner as prescribed in the general laws of the state for the condemnation of property, which proceeding may be conducted by any party desiring to acquire title to any such lands at his own expense, and the report of the appraisers appointed by the supreme court for the purpose of fixing the value of the interest of the city in said premises shall be filed in the office of the clerk of Erie county, and the sum found by said appraisers as the value of the interest of the city in the premises appraised shall be the amount of the compensation to be paid for the release and conveyance of said land by the party making application for such appraisal.

Appraisal of interests of city.

Report of appraisers.

Appraisers value to be paid for release.

§ 442. Upon the application for the appointment of commissioners to appraise the interest of the city as provided in the foregoing section, the petition shall contain a particular description of the land sought to be appraised.

Description of lands, petition to contain.

§ 443. The common council may, by resolution, direct the sale of any land acquired by the city for public use, and which it has failed to appropriate or ceased to use for the purpose of such use, at public auction to the highest bidder. Notice of the time and place of such sale, together with a short description of the property, shall be published twice a week for three weeks in the official paper of the city, and no appraisal thereof shall be made or deemed necessary in cases of sale under this section, unless an application has been made as provided in section four hundred and forty-one, before the passage of a resolution of the common council directing the sale of premises under this section.

Sale of lands at public auction.

Notice.

Appraisal not necessary.

§ 444. The provisions of this act shall not be so construed as in any manner to affect or apply to the land taken by the city of Buffalo, or the Dodge farm, so called, for the purposes of a reservoir.

Not to affect lands taken for reservoir.

§ 445. In cases, however, where assessments have been offset against awards for the value of the property taken, the common council may authorize the release and conveyance by a deed to be executed by the mayor, and under the seal of the city, of the interest of the city in such lands, or parts thereof, to the parties interested therein who are equitably entitled to such conveyance, upon payment by them to the city, of the moneys expended by the city in the purchase or the taking

Conveyance of interest of city when assessments have been offset.

of said lands or ratably in proportion to such parts thereof with interest thereon, from the time of such expenditure, or upon such other terms and conditions as the common council shall deem best for the interest of the city.

TITLE XXI.

OFFICIAL PRINTING.

Annual statement of department printing.

Specifications showing amount and kind.

Notice inviting proposals.

Blank forms.

Opening of proposals.

Award of contract.

Provision for all printing at contract rates.

Audit of claims.

Notice for proposals for printing ordinances, council minutes, etc.

Contract.

§ 446. On or before the first day of December in each year the heads of the several departments shall prepare and deliver to the city clerk a statement in detail of all the printing, with the proper blank forms and blank books that will be required in the respective departments for the ensuing year. The city clerk shall thereupon prepare specifications, showing the amount and kind of official printing required by the city for the use of all its officers and departments. Such specifications shall not include any matter which by law is to be published in the official paper, nor the minutes of the proceedings of the common council.

§ 447. The city clerk shall thereupon cause a notice to be published in five successive numbers, Sundays excepted, of the official paper and of two other daily papers of the city, that sealed proposals will be received by him until the third Monday of December, for all the printing and binding mentioned in the specifications, as prescribed in the preceding section. The specifications shall not be published in the notice, but shall remain in the city clerk's office for examination. The corporation counsel shall prepare blank forms of proposals, which shall be printed and furnished to those desiring to bid, and a copy of the specifications shall be attached to the proposals when delivered to the city clerk and form a part thereof.

§ 448. On the third Monday of December at ten o'clock in the forenoon, the mayor, comptroller and treasurer, or any two of them, shall meet at the mayor's office, and the city clerk shall then deliver to them the sealed proposals received by him, and they shall publicly open the same. They shall award the contract for the proposed printing and binding to the lowest bidder or bidders, who will furnish security satisfactory to them for the proper performance of the contract so awarded according to the specifications accompanying the proposals. In advertising for bids the city clerk shall provide that the person, company or corporation receiving the contract shall agree to do all the printing the city may require during the year, whether included in the specifications inviting proposals or not, at the same rates and upon the same terms as shall be fixed in the contract. No claim for city printing shall be audited or paid unless the work and the materials therefor shall have been done or furnished as herein provided.

§ 449. The city clerk, under the direction of the common council, prior to the fifteenth day of December in each year, shall give notice to the publishers of the daily papers published in the English language in the city that sealed proposals will be received by the common council at its next session after the giving of such notice, for publishing all matters required by law or the ordinances to be published in the official paper and the printing and binding of the minutes of the proceedings of the common council for the ensuing year showing the number of copies and the style of printing and binding required.

§ 450. The common council shall award the contract to the lowest responsible bidder, and the paper in which publication is made shall be

designated the official paper. The compensation paid for such publication shall not exceed the rates allowed by law, at any time for the publication of legal notices. When any publication shall be commenced in the official paper, the publication shall be completed by it with the like effect as if it were the official paper.

Compensation.

Completion of publication.

TITLE XXII.

MUNICIPAL COURT.

§ 451. The court of civil jurisdiction known at the time of the passage of this act as the municipal court of Buffalo, as heretofore created and established, is continued, with the jurisdiction and powers hereinafter provided.

Court continued.

§ 452. There shall be two judges of the municipal court, who shall be elected and hold their offices for the term of six years.

Judges.

§ 453. The judges in office at the time this act takes effect shall serve out the terms for which they were respectively elected. At the annual election next preceding the close of each of said terms, and every six years thereafter a judge shall be elected to serve six years.

Terms and election.

§ 454. No person shall be eligible to the office of judge of said court unless he shall be a resident elector of the city of Buffalo, and be a counselor of the supreme court of the state of New York.

Eligibility.

§ 455. It shall be the duty of each judge to hold a court in and for the city of Buffalo, to be called the municipal court of Buffalo. Each of said judges may hold a separate court at the same time. The court shall be open for business each day, Sundays and legal holidays excepted, at nine o'clock in the forenoon, and continue open during seasonable hours for the transaction of business.

Courts.

Business hours.

§ 456. The court shall have and possess, in civil actions and proceedings, the same powers and jurisdiction as heretofore possessed and exercised by justices of the peace in the city, except as herein provided in civil actions and proceedings, and the additional powers and jurisdiction hereby conferred as follows:

Powers and jurisdiction.

1. In all civil actions and proceedings cognizable by law in the justices courts of towns.

In civil actions.

2. In actions arising on contracts for the recovery of money only, if the sum claimed does not exceed five hundred dollars; and also in actions for a breach of contract, where the damages claimed do not exceed five hundred dollars.

On contracts.

3. In a matter of account, when the sum total of the accounts of both parties, proved to the satisfaction of the court, does not exceed one thousand dollars.

On accounts.

4. In an action for damages for injury to rights pertaining to the person, or to personal or real property, or for the conversion of personal property, if the damages claimed do not exceed five hundred dollars.

For injuries to person and property.

5. In an action for a penalty not exceeding five hundred dollars.

Penalties.

6. In an action upon a bond conditioned for the payment of money not exceeding five hundred dollars, though the penalty exceed that sum, the judgment to be given for the sum actually due. Where payments are to be made by installments, an action may be brought for each installment as it becomes due.

On bonds for payment of moneys.

7. In an action upon a surety bond taken by said court, when the penalty or amount claimed does not exceed five hundred dollars.

On surety bonds.

On judgments rendered in courts.

On judgments on confession.

For fraud in sale, etc., of personal property.

For recovery of possession of personal property.

Summary proceedings.

Enforcement of liens.

Violations of ordinances.

By attachment of property.

Process.

Either judges may hold court, etc.

Pleadings and practice.

Civil code applicable.

Trial by court or jury.

Bail bonds.

Appeals.

8. In an action upon a judgment rendered in a court of justice of the peace, or in the municipal court of Buffalo, where such action is not prohibited by the provisions of the Code of Civil Procedure.

9. To take and enter judgment on the confession of a defendant, when the amount confessed shall not exceed five hundred dollars, in the manner prescribed by sections three thousand and ten, three thousand and eleven and three thousand and twelve of the Code of Civil Procedure.

10. In an action for damages for fraud in the sale, purchase or exchange of personal property, if the damages claimed do not exceed five hundred dollars.

11. In an action to recover the possession of personal property claimed the value of which, as stated in the affidavit of the plaintiff, shall not exceed five hundred dollars, the same proceedings to be had as are provided by law to be had in the justices' courts.

12. In summary proceedings under title two chapter seventeen of the Code of Civil Procedure, to recover the possession of land, and to remove tenants and others, the process to be made returnable before said court by its proper title.

13. In actions or proceedings under the statute for the enforcement of the liens of mechanics and others, where the amount of the lien does not exceed the sum of five hundred dollars, the same proceedings to be had as are provided by law to be had in justices' courts. The court shall also have jurisdiction in an action commenced for the recovery of a fine or penalty for the violation of an ordinance of the city, and in an action or proceeding instituted for the punishment of any person for the offense of violating any such ordinance.

14. In an action commenced by an attachment of property, as now provided by statute, if the debt or damages claimed do not exceed five hundred dollars.

§ 457. Process shall be made returnable before the court by its proper title, and shall be signed by a judge, or by a clerk or deputy clerk of the court; either of the judges may hold the court, and may hear, try and determine any case or proceedings brought therein, where there is no demand for a jury, or preside at a trial by jury. The process pleadings, practice, trial by the court or by jury, fees, costs and disbursements judgment by action or confession and proceedings thereon, shall be the same as are now provided by law for justices' courts, except as otherwise provided in this act. The provisions of chapter five hundred and five of the laws of eighteen hundred and eighty-nine shall not apply to this court. The provisions of sections twenty-nine hundred and ninety to twenty-nine hundred and ninety-seven inclusive, of the Code of Civil Procedure as they existed at the time of the passage of chapter five hundred and five of the laws of eighteen hundred and eighty-nine, shall remain in force and be applicable to this court. In any action brought in said court a jury trial shall be waived unless a jury shall be called at the time when issue is joined or upon the first adjourned day of the cause, and a sufficient sum of money to pay for a venire and the legal expense of summoning, conducting and paying such jury, shall be deposited with the clerk at the time of making such call. In cases where the defendant is required by law to give bail on application for an adjournment, the amount of the penalty of the bond shall be fixed by the court, but shall not, in any case, exceed six hundred dollars. Appeals may be had from judgments of said court to the superior court of Buffalo, in the same cases, in the same manner, and with like effect, as appeals are now had by law to

the county court from judgments obtained in justices' courts. But the appellate court may, in its discretion, set aside the judgment appealed from, or stay proceedings thereunder, and, by order, direct a new trial before said municipal court at such a time specified in said order, and upon such terms as it deems proper. The municipal court shall not have cognizance of any action where the title to real property shall come in question; but where such question arises, the pleadings and practice shall be the same as are now provided by law for justices' courts in like cases.

Actions where title to real property arises.

§ 458. The clerk or deputy clerk of the court, on the demand of a party in whose favor judgment shall have been rendered, shall give a transcript thereof, which may be filed and docketed in the office of the clerk of Erie county. The time of the receipt of the transcript, by said last-named clerk shall be noted thereon, and entered in his docket, and, from that time, the judgment shall be a judgment of the county court. A certified transcript of such judgment may be filed and docketed in the clerk's office of any other county, and, with like effect, in every respect, as in the county where the judgment was rendered, except that it shall be a lien only from the time of filing and docketing the transcript. But no such judgment for a less sum than twenty-five dollars, exclusive of costs, shall be a lien upon, or enforced against real property. The pleadings shall be: (1) The complaint by the plaintiff; and (2) the answer by the defendant. The pleadings may be oral or in writing. If oral, the substance thereof shall be entered in the docket of the court; if in writing, they shall be subscribed by the party or his attorney and shall be filed, and a reference to them shall be made in the docket, but such pleadings need not be verified except as hereinafter provided. If a party appears by an attorney-at-law the pleadings of such party shall be in writing, unless the court shall otherwise direct. The complaint shall state, in a plain and direct manner, the facts constituting the cause of action. The answer may contain a denial of the complaint, or of any part thereof, and also notice, in a plain and direct manner, of any facts constituting a defense or counterclaim. Either party may demur to any pleading of his adversary, or of any part thereof, when it is not sufficiently explicit to enable him to understand it, or if it contains no cause of action or defense, although it be taken as true. If the court deem the objection well founded, it shall order the pleadings to be amended, and if the party who interposed it refuse to amend, the defective pleadings shall be disregarded. In case a defendant does not appear and answer, the plaintiff cannot recover, except as otherwise provided in sections four hundred and fifty-nine and four hundred and sixty of this act, without proving his case. In an action or defense founded upon an account or instrument for the payment of money only, it shall be sufficient, except as otherwise provided in sections four hundred and fifty-nine and four hundred and sixty of this act, for a party to deliver the account or instrument to the court and to state that there is due to him thereon from the adverse party a specified sum, which he claims to recover or set off. A variance between the proof on the trial and the allegations in a pleading shall be disregarded as immaterial, unless the court shall be satisfied that the adverse party has been misled to his prejudice thereby. The pleadings may be amended at any time before the trial or during the trial or upon appeal, when by such amendment substantial justice will be promoted. If the amendment be made after the joining of issue, and it be made to appear to the satisfaction of the court, by oath, that an

Transcripts of judgments.

Filing and docketing same.

Lien on real estate.

Pleadings.

Complaint and answer.

Demurrer.

Default.

Actions upon accounts.

Variance between proof and allegations.

Amendment of pleadings and docketing.

ments thereupon.	adjournment is necessary to the adverse party in consequence of such an amendment, an adjournment shall be granted. The court may also, in its discretion, require as a condition of amendment the payment of costs to the adverse party. Execution may be issued on a judgment heretofore or hereafter rendered, at any time within five years, after the rendition thereof, and shall be returned within sixty days after it is so issued. If the judgment be docketed with the county clerk, the execution shall be issued by him to the sheriff of the county, and have the same effect, and be executed in the same manner as other executions and judgments of the county court. The municipal court may, at the joining of issue, require either party, at the request of the other, at that or some other specified time, to exhibit the items of his account or demand, or state the nature thereof, as far as may be in his power, and in case of his default preclude him from giving evidence of such parts thereof as shall not have been so exhibited or stated. The defendant may, on the return of process and before answering make an offer to allow judgment to be taken against him for an amount to be stated in such offer, with costs, which offer the court shall at once enter in its minutes. The plaintiff shall thereupon, and before any proceedings shall be had in the action, determine whether he will accept or reject such offer. If he accepts the offer, the court shall enter such acceptance in its minutes, and judgment shall be rendered accordingly. If the plaintiff shall not accept said offer, and shall fail to obtain judgment for a greater amount, exclusive of costs, than has been specified in the offer, he shall not recover costs, but shall pay to the defendant his costs accruing subsequent to the offer. Section two thousand eight hundred and ninety-three of the Code of Civil Procedure shall not apply to actions or proceedings in said court, but every action and proceeding brought therein shall be called at the time specified in the mandate or process by which it is commenced or as soon thereafter as the business of the court will permit. The authority of any attorney and counselor-at-law of the supreme court who shall appear for any party shall be presumed, and it shall not be necessary for him to prove his authority to appear or act for a party in said court. The forms of action, parties to action, the rules of evidence, the times of commencing actions, and the service of process upon corporations, as established by the Code of Civil Procedure, shall govern the practice in this court. In an action brought in this court by a domestic servant to recover for services performed by her if the plaintiff recovers a judgment for a sum not exceeding twenty-five dollars exclusive of costs, no property of the defendant is exempt from levy and sale by virtue of an execution against property issued thereupon, and if such an execution is returned wholly or partly unsatisfied the clerk must, upon the application of the plaintiff and the order of a judge of said court, issue an execution against the person of the defendant for the sum remaining uncollected. A defendant arrested by virtue of an execution so issued against his person, must be actually confined in the jail, and is not entitled to the liberties thereof, but he must be discharged after having been so confined fifteen days. After his discharge an execution against his person cannot be issued upon the judgment, but the judgment creditor may enforce the judgment against property as if the execution from which the judgment debtor is discharged has been returned without his being taken. In an action to recover a sum of money for wages earned only by a domestic servant the plaintiff, if entitled to costs, shall recover the sum of five dollars as costs in addition to the costs
Executions, issue and return of.	
Exhibition of accounts, etc.	
Offer of judgment.	
Acceptance or rejection thereof.	
Actions, when called.	
Authority of attorney presumed.	
Actions with corporations.	
Actions by domestic servant.	
Property not exempt from execution.	
Arrests.	
Judgments enforced after discharge.	
Costs.	

allowed by section four hundred and sixty-two of this act. When the employe is the plaintiff in the action she is entitled, upon a settlement thereof to the full amount of costs which she would have recovered if judgment had been rendered in her favor for the sum received by her upon the settlement.

§ 459. In an action brought in this court arising on contract for the recovery of money only, or upon account, the plaintiff, at the time of issuing the summons, may file with the clerk of the court a written complaint, setting forth in a plain and concise manner, the facts or items of account constituting the cause of action, specifying the amount actually due from the defendant to the plaintiff, and for which the plaintiff will demand judgment. Such complaint shall be subscribed by the plaintiff, or his attorney, and shall be verified in the manner prescribed by the Code of Civil Procedure. Said summons and complaint shall be served at the same time by delivering to and leaving with the defendant personally, a copy thereof and may be served by any person of full age, not a party to the action.

Written complaint in certain actions.

Summons and complaint, how served.

§ 460. In case the defendant appears and answers said complaint, such answer shall be in writing, and subscribed by the defendant, or his attorney, and shall be verified as above provided for the verification of the complaint, and shall contain first, a general or specific denial of each material allegation of the complaint controverted by the defendant, or of any knowledge or information thereof sufficient to form a belief; second, a plain statement of any new matter constituting a defense or counterclaim. All allegations in a verified complaint not denied by the answer, upon a trial or other determination of the action, shall be taken as admitted by the defendant.

Answer, how made.

Allegations not denied, admitted.

§ 461. In case the defendant fails to answer the complaint, as herein provided, he shall be deemed to have admitted the allegations of the complaint, and the court, upon the filing of the summons and complaint, with the proof of due service thereof, shall forthwith enter judgment for the plaintiff for the amount demanded in the complaint, with costs and disbursements, without further proof. When the service of the summons and complaint is made by any person other than a constable, proof of such service shall be made by affidavit that such person is over twenty-one years of age, when, in what particular place, and in what manner he served the same, and that he knew the person mentioned and described in the summons as defendant, and that he delivered to and left with such defendant a copy thereof. When the service is made by a constable, his certificate to the facts required to be shown by the affidavit above mentioned shall be sufficient proof of the service of the summons and complaint.

Entry of judgment in case of default.

Proof of service of summons and complaint.

§ 462. In all actions brought in this court, there shall be allowed by way of indemnity to the plaintiff, if he be the prevailing party, and shall have appeared by an attorney-at-law, the following sums as costs, which shall be included in the judgment.

Costs of plaintiff.

1. When the damages recovered amount to twenty-five dollars, but do not amount to one hundred dollars, and where actions are for wages, even if the recovery does not amount to twenty-five dollars, the sum of three dollars.

2. When the damages recovered amount to one hundred dollars but do not amount to two hundred dollars, the sum of five dollars.

3. When the damages recovered amount to two hundred dollars but do not amount to three hundred dollars, the sum of seven dollars.

4. When the damages recovered amount to three hundred dollars or more, the sum of ten dollars.

Additional costs. 5. Where issue has been joined and a trial had upon a question of fact, there shall be allowed to the plaintiff in addition to the sums hereinbefore specified, where the damages recovered amount to the sum of fifty dollars, and do not exceed the sum of one hundred dollars, the sum of five dollars; where the damages recovered amount to one hundred dollars, and do not exceed the sum of two hundred dollars, the sum of ten dollars; where the damages recovered exceed the sum of two hundred dollars, the sum of fifteen dollars; and, if on such trial, the defendant prevail, he shall be entitled to have judgment rendered against the plaintiff for the amount of the fees and disbursements allowed the defendant by law, and also additional costs as follows: When the plaintiff shall have demanded in his complaint, or sought to obtain upon the trial, judgment against the defendant for fifty dollars or more, but less than one hundred dollars, the sum of eight dollars. When the plaintiff shall have demanded in his complaint, or sought to obtain upon the trial, judgment against the defendant for one hundred dollars or more, but less than two hundred dollars, the sum of fifteen dollars. When the plaintiff shall have demanded in his complaint, or sought to obtain upon the trial, judgment against the defendant for the amount of two hundred dollars or more, but less than three hundred dollars, the sum of seventeen dollars. When the plaintiff shall have demanded in his complaint or sought to obtain upon the trial, judgment against the defendant for a greater amount than three hundred dollars, the sum of twenty-five dollars.

Disbursements and costs of defendant.

Judgment, when rendered. § 463. Judgment shall be rendered forthwith in the municipal court of Buffalo in the following cases, upon the confession of the defendant, nonsuit, discontinuance, or withdrawal of the action, or the verdict of a jury, and in all cases where a defendant is in custody, at the close of a trial; in all other cases, within ten days after the cause shall have been finally submitted. The clerk or deputy clerk shall enter all judgments rendered in said court in its docket immediately upon the rendition thereof.

Entry in docket.

Fees. § 464. In all actions brought in said court, there shall be paid to the clerk, to be deposited as provided in section four hundred and sixty-seven of this act, the following fees, for the trial of an issue of law, seventy-five cents; for the trial of an issue of fact, when the time occupied in such trial shall not exceed one day, seventy-five cents; and for each additional day occupied in said trial, the sum of twenty-five cents, for making a return upon an appeal from a judgment, the sum of two dollars; and whenever it shall be necessary, upon such appeal, to make return of the evidence taken upon the trial of the action in which such judgment shall have been rendered, and said evidence shall exceed in length fifty folios of one hundred words each, the sum of five cents for each folio of such evidence exceeding fifty, except where evidence has been taken by the official stenographer, in which case the transcript of such evidence filed with the court shall form a part of the return, and be furnished without cost, for entering judgment, when the amount of such judgment shall not exceed fifty dollars, the sum of twenty-five cents; and when the amount of such judgment shall exceed fifty dollars, the sum of fifty cents.

Criminal warrants. § 465. Either of the judges may issue a criminal warrant, upon due complaint, for the arrest of any person charged with crime committed within the city of Buffalo, but such warrant must be signed by the judge hearing the complaint, and made returnable before the police justice. Each judge, while sitting as such, shall have power to punish,

Power to

in a summary manner, any contempt when committed in his immediate view and presence.

punish contempt.

§ 466. The court shall have an official seal, to be furnished by the city on which shall be engraved the words "municipal court of Buffalo" — "seal." The clerk of the court shall have the custody of such seal, and any certificate made by him under his hand and seal of the court of any fact or matter to which, by this act, he shall be entitled to certify, shall be received in evidence in all courts and places, and be of the same force and effect as if the court were a court of record. The court shall have a clerk and one deputy clerk, to be appointed by the judges, such appointments to be in writing, and filed with the clerk of Erie county. The clerk and deputy clerk shall take the usual oath of office, and file the same with the county clerk, and shall hold the office during the pleasure of the judges. Each clerk shall give bail for the faithful performance of his duties, in such form and for such sum, and with such sureties as shall be approved by the judges and file the same with the treasurer of the city. It shall be the duty of the clerk and deputy clerk to keep in the docket of the court a complete and accurate record of all processes issued and returns thereon to the court, of all the proceedings in any action or proceeding brought in the court, of all moneys paid into court, or received by the clerk or the deputy clerk; to keep the seal of the court, and to affix it to the certificate of the transcript of the docket of a judgment, or any other certificate when required so to do, and to file papers so delivered to him, for that purpose in any action or proceeding, and safely keep them; to authenticate by a certificate of exemplification, as may be required, the records of proceedings of the court, or any other paper appertaining thereto filed with him, and to enter in said docket the judgments and decisions of said court. The docket shall be evidence in the courts of this state to the same extent as the docket of a justice of the peace. The judges, clerk and deputy clerk shall each have the same power to administer oaths and take acknowledgments as a justice of the peace of towns.

Official seal.

Certificate of clerk thereunder, evidence.

Clerk and deputy.

Duties thereof.

Docket evidence.

Oaths and acknowledgments.

§ 467. In all actions and proceedings brought in this court, the clerk or deputy clerk shall demand and receive prepayment of all fees for process, making out and filing bonds, undertakings, affidavits and other papers, allowed by law to justices in justices' courts, or by this act, and the clerk or deputy clerk shall keep an accurate minute of the same in each case or proceeding upon the docket of the court at the time of receiving the same, and, on the last day of each month, or within three days thereafter, shall pay the amount thereof to the treasurer of the city, and at the same time, file with the comptroller a detailed statement of the items thereof, which statement shall be verified by the clerk or deputy clerk to be true and correct, and to embrace all the moneys paid into the court, or received by the clerk or by the deputy clerk, during the period covered by the statement. The salary of such clerks shall not be paid until they shall have so accounted and paid. Neither of them shall perform any service for any party except the city until he shall have received the legal fees therefor as fixed by this act.

Prepayment of fees.

Accounting with treasurer and comptroller.

Fees payable before service.

§ 468. The judges may appoint and at pleasure remove a stenographer for the court. They shall file a certificate of every appointment or removal so made by them in the office of the city clerk. Before entering upon the duties of his office, the stenographer shall take and subscribe the constitutional oath of office and file the same in the office of the city clerk. It shall be the duty of the stenographer to take

Stenographer.

His duties.

stenographic minutes of the testimony and other proceedings, in all cases tried before the court, except when the judge sitting at the trial shall dispense with his services. He shall transcribe fully and at length the minutes of each case so taken by him, in written or printed characters when so directed by the court, and file the same with the clerk, who shall cause the same to be preserved with other papers in such case, in the office of the clerk, except as provided in section four hundred and sixty-four. The stenographer shall also furnish two copies to parties on direction of the court without cost. The stenographer shall preserve the original minutes taken by him in every case, and upon the order of the judges, file the same with the clerk. He shall deliver to his successor in office all the minutes taken by him which shall not have been filed with the clerk, and shall act in all other matters connected with his office in accordance with the direction of the judges. He may, after he shall have filed in the office of the clerk, the transcript of his minutes herein provided for, furnish to any one applying therefor, a transcript of said minutes, and may charge and receive therefor from the person to whom he shall furnish the same, the sum of five cents for each folio of one hundred words contained in such transcript.

May furnish transcripts to applicants.

Fees.

Court-room, stationery, etc.

Salaries.

Power to open defaults, set aside judgments, etc.

Application therefor.

Order to show cause.

Service.

Stay of proceedings.

Levy to stand as security.

Power of superior court to open defaults.

Practice upon application.

§ 469. The common council shall designate the place for the holding of the court, and provide suitable rooms and furniture, and necessary blank books, blanks and stationery for the use of said court, and shall provide for the payment of the salaries of the judges, the clerk, deputy clerk and stenographer.

§ 470. Except as herein otherwise provided, the municipal court shall have the power to open defaults and set aside judgments rendered and entered therein, and executions issued thereon, upon such terms as may be just, in a case where a defendant shall fail to appear on a return day of process or on any adjourned day, where it is shown that manifest injustice has been done, and the defendant satisfactorily excuses his default; but no greater terms shall be imposed than the payment of the costs included in the judgment and the sum of three dollars for opposing the motion. The application therefor shall be founded upon affidavits, and shall be made within twenty days from the entry of such judgment. Upon presentation of such application, the court shall issue an order returnable in not less than five nor more than eight days, requiring the plaintiff to show cause, if any why said judgment should not be set aside. A copy of said order and of the papers upon which the same is granted, shall be served upon the plaintiff, or his attorney, if one shall have appeared in the action, not less than three days prior to the return day thereof. Pending such application and the determination thereof the court may stay proceedings under any execution which shall have been issued. When a judgment shall be set aside, the action shall proceed as though no judgment had been rendered. In such case where an execution has been issued and a levy made thereunder the same may, in the discretion of the court, be allowed to stand as security for the satisfaction of any judgment the plaintiff may finally recover. Where a transcript of a judgment of the municipal court shall have been filed in a case provided for in section four hundred and fifty-eight of this act, the superior court of Buffalo shall have power and authority to open the default and set aside such judgment, in the case above provided, and all proceedings thereon, and to order a new trial in the municipal court upon such terms as may be just. The practice in the superior court of Buffalo upon such application shall be the same as herein

provided for like proceedings in the municipal court, except as herein otherwise provided. A judge of the superior court of Buffalo may, at chambers, issue the order to show cause returnable at a special term of the said court, and such application may be heard and determined at such special term. Upon application to the superior court of Buffalo, the defendant must show that prior to the filing of such transcript no application was made to the municipal court for like relief. The superior court of Buffalo, or a judge thereof, may stay proceedings under any execution issued upon said judgment, pending such application. The judgment and any execution and levy thereunder may be allowed to stand as a security for the satisfaction of any judgment the plaintiff may finally recover, in case a new trial shall be ordered in the municipal court.

Proceed-
ings.

Stay of
proceed-
ings.

Judgment
and levy to
stand.

§ 471. The judges of the municipal court may appoint from the constables elected from the respective wards such a number thereof as may be required to do the work of this court, and may revoke such appointment at pleasure. No person shall execute the process of the court except the constables duly appointed, and such other persons as may be deputized in the manner now provided by law.

Court con-
stables.

Process,
how exe-
cuted.

§ 472. Each constable so designated shall have the power conferred by law upon constables of towns in civil matters only, and shall be entitled to receive the same fee for their services; and he shall, before he enters upon the duties imposed by this act, execute and file with the city clerk a bond with sureties, for the faithful performance of his duties, and for the payment to the person entitled thereto of all sums of money which may come into his hands from any execution or any process delivered to him.

Powers
and duties
of constab-
les.

Official
bond.

§ 473. The judges of the municipal court shall fix the amount of the bond and approve it as to its form and the sufficiency of the sureties therein. All actions on such a bond shall be commenced within two years after the cause of action arose.

Amount
and ap-
proval.
Actions on
bonds.

TITLE XXIII.

SALARIES.

§ 474. The salary of the aldermen and councilmen shall be one thousand dollars per year each. Chapter four hundred and eighty-three of the laws of eighteen hundred and eighty-four, chapters three hundred and fifteen and five hundred and fifty-one of the laws of eighteen hundred and eighty-five chapters seventeen and two hundred and fifty of the laws of eighteen hundred and eighty-six, so much of section seven of chapter four hundred and seventy-nine of the laws of eighteen hundred and eighty-six as adds section seventy-nine to title two of chapter five hundred and nineteen of the laws of eighteen hundred and seventy, so much of section four of chapter five hundred and forty-seven of the laws of eighteen hundred and eighty-seven, as fixed the salary of the assessors, so much of section five of chapter five hundred and forty-seven of the laws of eighteen hundred and eighty-seven as relates to the salary of the police justice, chapter five hundred and fifty-five of the laws of eighteen hundred and eighty-seven, chapter fifty-four of the laws of eighteen hundred and eighty-eight, section four of chapter one hundred and twenty-seven of the laws of eighteen hundred and eighty-eight, chapters one hundred and eighty-six and one hundred and eighty-seven of the laws of eighteen hundred and eighty-eight, chapter four hundred and eighty of the laws of

Aldermen
and coun-
cilmen.

Certain
acts and
parts of
acts re-
pealed.

Salaries of
present
officers.

eighteen hundred and eighty-eight, chapter four hundred and eighty of the laws of eighteen hundred and eighty-nine and chapter ninety-seven of the laws of eighteen hundred and ninety are hereby repealed. But notwithstanding such repeal, all elective officers holding office when this act takes effect and all appointive officers having a fixed and limited term of service and holding office when this act takes effect, shall, during the terms for which they were respectively elected or appointed, receive the respective salaries or compensation which by law or ordinance they are entitled to receive when this act takes effect.

TITLE XXIV.

GENERAL PROVISIONS.

Officers not
to hold
other office
nor be
interested
in con-
tracts.

§ 475. No person elected or appointed to any salaried office under this act shall, during his term of office, hold any other public office whatever, except that of notary public or commissioner of deeds, nor shall he be directly or indirectly interested in any contract to which the city or any department thereof is a party if such contract pertains or in any manner relates to the department in which he may be employed, or has to be voted for or approved by him. If any person holding any salaried office under this act shall accept any other public office, he shall thereby cease to hold his office under this act. No officer shall receive any compensation, perquisite or benefit in any way, except his salary, fixed by law or ordinance, for any service performed, work done, or permit granted under any public authority, except as notary public and commissioner of deeds, and except as in this act otherwise provided.

Accept-
ance of
other
office.

Extra com-
pensation
prohibited.

Bonds of
city off-
icers.

§ 476. Every city officer required by this act to give a bond or undertaking for the faithful performance of his duties shall execute a bond to the city, in such penalty, and with such sureties as the common council will require, conditioned for the faithful performance of his duties, and for the accounting for and payment to the treasurer of all moneys belonging to the city received by him; and shall, when required by the common council, execute and file a new bond or undertaking. He may, in lieu of such bond, give security through any company incorporated to act as surety for others by the laws of this state.

Liability
thereon
for con-
duct of
deputies.

§ 477. Every city officer required to give bonds, and his sureties shall be liable on his official bond for the conduct of his deputy. If said deputy shall be guilty of any misconduct by reason whereof any city officer or the sureties of such officer shall be compelled to pay any moneys upon account of the said official bond said city officer or such surety or sureties making such payment shall be subrogated to all the rights of the city upon any bond given by said deputy in accordance with the provisions of this act.

Bonds, how
acknowl-
edged.

§ 478. Every bond and undertaking required by this act, or any ordinance passed thereunder, shall be acknowledged by the parties executing it; and the sureties therein shall justify in the form herein prescribed. A bond or undertaking as prescribed in this act must, where two or more persons execute it, be joint and several in form, and must be accompanied with the affidavit of each surety subjoined thereto to the effect that he is a resident of, and a householder, or a freeholder within the city, and is worth the amount of the penalty of the bond over all the debts and liabilities which he owes or has incurred, and exclusive of property exempt by law from levy and sale under an execution. But where the penalty of the bond is ten thousand dollars

Justifica-
tion of
sureties.

or upwards, the sum in which a surety is required to justify may be made up by the justification of two or more sureties, each in a smaller sum. The certificates of acknowledgment and the affidavits of justification shall be upon the bond or undertaking. No bond or undertaking shall be accepted or filed until approved by the mayor, and his approval indorsed thereon, or, in his absence or disability, by the comptroller, except as herein otherwise provided.

Approval
by mayor.

§ 479. The city clerk shall record all official bonds at full length, in a book kept by him for that purpose, and, when required, he shall make a certified copy of such records. In case of the loss of any bond, the record thereof, or a certified copy of such record, shall be received in evidence with the same force and effect as the original.

Record
of official
bonds.

§ 480. The comptroller, treasurer and overseer of the poor shall each appoint a deputy, who shall hold his office during the pleasure of the officer appointing him, and such clerks and subordinates as may be provided by ordinance. The deputy shall, in the absence or inability of his principal to perform the duties of the office, and during a vacancy therein, perform the duties thereof. Each deputy, before entering upon his office, shall take the oath of office prescribed by the constitution, and give the bond or undertaking prescribed by this act.

Deputies
and clerks
in certain
offices.

§ 481. All city officers and their deputies shall be ex-officio commissioners of deeds, but as such shall not be entitled to receive any fees from the city.

Ex-officio
commis-
sioners of
deeds.

§ 482. Resignation of office, by any person elected under this act, shall be made to the common council, subject to its acceptance. Resignation by any person appointed under this act, shall be made to the person or body by whom he was appointed.

Resigna-
tions, how
made.

§ 483. The officer or body authorized to appoint any officer under this act shall fill any vacancy occurring in such office, by appointment, for the unexpired term.

Vacancies
in appoin-
tive offi-
ces.

§ 484. Each officer elected or appointed under this act, shall hold over until his successor enters upon the office. All appointed officers unless otherwise provided by law shall hold office during the pleasure of the person or body by whom they were appointed.

Terms of
officers.

§ 485. Any person elected or appointed under this act to any office or place, who shall, upon the expiration of the term for which he was elected or appointed, or upon his removal from such office or place, refuse to deliver the books, papers and effects pertaining to the office or place to his successor or other person having the right to their possession, shall be guilty of a misdemeanor, and may also be proceeded against in the manner provided in article five of title six of chapter five of part one of the Revised Statutes.

Penalty
for failure
to deliver
books, etc.,
to suc-
cessors.

§ 486. When the city shall borrow or raise money for any particular purpose, it shall be applied only to that purpose, and every alderman who shall vote to appropriate it to a different purpose, and every officer who shall knowingly assist in a misappropriation of such money shall be guilty of a misdemeanor, and, on conviction thereof, shall be disqualified from holding any office in the city.

Misappropri-
ation of
moneys, a
misdeme-
anor.

§ 487. The interest earned or accruing upon any money of the city shall belong to the city, and not to any officer thereof.

Interest
earned.

§ 488. Every officer of the city, and every person employed by the city, or by any officer of the city, who shall lend or convert to his use, or to the use of another, money belonging to the city, shall be guilty of larceny.

Penalty for
converting
money to
own use.

§ 489. Any officer who shall wilfully neglect his duty shall be guilty of a misdemeanor.

Wilful
neglect of
duty.

Books,
etc., open
to exami-
nation.

§ 490. The books, documents, maps, rolls and papers in the office of any city officer shall, at all reasonable times, be open to the inspection and examination of the public. If any officer shall unreasonably refuse to produce and submit to the inspection of any person any such book, document, map, roll or paper he shall forfeit fifty dollars to the city, to be recovered by action.

Registered
or coupon
bonds.

§ 491. The city is hereby authorized to issue either registered or coupon bonds, under any law heretofore or hereafter enacted, authorizing the issue of the bonds of the said city, and shall, at the request of the holder of any coupon bonds, whether heretofore or hereafter issued, issue and deliver to the said holder, on the delivery and surrender to the city thereof, registered bonds of equal amount. Such bonds shall be divided into and issued in such amounts as the said holder shall desire, provided that the city shall not be required to issue any bond for a less sum than one thousand dollars; and provided further, that the bonds so issued shall be payable upon the same terms and at the same time as the bonds for which they are exchanged. The city shall keep a record of all bonds surrendered for exchange, and by whom surrendered, and of all bonds issued in exchange therefor, and to whom issued, containing the dates, numbers, and the amounts of the said bonds, and a reference to the laws or resolutions under which they were issued.

Exchange
of bonds
by holder.

Record of
bonds sur-
rendered
and issued.

Notice of
issue of
bonds and
inviting
proposals.

§ 492. Whenever bonds are issued by the city for the purpose of raising money, the comptroller shall publish a notice in five successive numbers of the official paper, Sundays excepted, and in two other daily papers of the city, stating the amount of bonds issued, their rate of interest and the time of their payment, and that sealed proposals will be received by him until a day specified in the notice, not less than ten days from the first publication thereof, for all or any portion of the bonds issued. Each proposal shall state the amount of the bonds desired and the price bid for each one hundred dollars thereof. On the day specified in the notice, the comptroller shall publicly open the proposals, and the bonds shall be sold to the person or persons whose bids are most favorable to the city, but no bonds shall be sold at less than their par value. The comptroller may reject any or all bids received. Nothing in this section contained shall be construed to prevent the common council from awarding any bonds, at their par value to the comptroller in trust for any redemption or sinking fund of the city, and as an investment of said redemption or sinking fund, without advertising.

Proposals,
what to
state.

Opening of
proposals.

Proviso.

Convey-
ance of
lands on
certain
streets in
Black
Rock to
adjacent
owners.

§ 493. Whenever any street or portion of a street, laid out and located by the commissioners of the land-office within the south village of Black Rock as known and designated upon the records, surveys and maps of said commissioners, or appearing upon said records, maps or surveys, shall be discontinued or contracted as a public highway or street by the authority of the common council, the city by its common council, may cause to be conveyed to the owners of lands adjacent to the parts of said street which shall have been so discontinued, and to no others, the portions of such street which shall have been discontinued.

Printed
minutes of
council,
evidence.

§ 494. The printed minutes of the proceedings of each board of the common council, when approved or confirmed by it and certified by the city clerk, shall be received by all the courts of this state as prima facie evidence of such proceedings.

Annual
financial
reports of

§ 495. The head of each department shall prepare, and, on or about the first day of May in each year, except as herein otherwise provided,

transmit to the common council a report containing a statement of all the financial transactions of the department for the year, and showing in detail its condition.

§ 496. No person shall be incompetent to act as judge, justice, commissioner, referee, juror, or witness by reason of his being a resident or freeholder of the city, in any action or proceeding to which the city is a party, or in which it is interested.

§ 497. The journals of the common council, or a copy thereof, certified by the city clerk, shall be evidence of the proceedings therein set forth.

§ 498. All records, including all tax and assessment-rolls documents and maps required or permitted by law to be filed or kept in any office of the city when certified by the clerk, head or chief of said office and attested by the mayor under the seal of the city shall be admitted in evidence in all courts and shall be presumptive evidence of the facts or proceedings appearing therein.

§ 499. The seal at present used by the city as its corporate seal shall continue to be the seal of the city.

§ 500. Any clerk making a certified copy of any record under his control, for the use of any other person than an officer of the city, shall charge and collect a fee therefor, not exceeding five cents a folio for each paper copied and twenty-five cents for his certificate. Any clerk making such certified copies shall pay weekly to the city treasurer all fees received by him, and report the same to the comptroller.

§ 501. It shall not be necessary for the city, in any action or proceeding in which it is a party, to give any bond, undertaking or security on appeal, or to obtain a provisional remedy, or to take or to prevent any other proceeding.

§ 502. Any officer or the member of any board authorized by this act to make any investigation, hear any complaint or conduct any proceedings in the form of a trial, shall have power to administer oaths and issue subpoenas.

§ 503. A majority of the members of any board constituted under this act shall be a quorum for the transaction of any business of the board, unless otherwise provided.

§ 504. In contracting for any work required to be done by the city, a clause shall be inserted that the contractor submitting proposals shall bind himself in the performance of such work not to discriminate either as to workmen or wages against members of labor organizations, or to accept any more than eight hours as a day's work, to be performed within nine consecutive hours. Nor shall any man or set of men be employed for more than eight hours in twenty-four consecutive hours except in case of necessity, in which case pay for such labor shall be at the rate of time and one-half for all time in excess of such eight hours.

§ 505. Except for repairs, no patented pavement shall be laid and no patented article shall be advertised for, contracted for or purchased except under such circumstances that there can be a fair and reasonable opportunity for competition, the conditions to secure which shall be prescribed by the person, board or body authorized to contract for such article so advertised for.

§ 506. All elective officers in office when this act takes effect shall serve out the terms for which they were respectively elected, except in those cases where the offices to which they were elected are abolished by this act. The engineer in office, at the time when this act takes effect, shall discharge the duties imposed upon the city engineer

depart-
ments.

Compe-
tency of
inhab-
itants as
jurors, wit-
nesses, etc.

Journals
of council
evidence.

Records,
assess-
ment-rolls,
etc., when
evidence.

Corporate
seal.

Fees for
copies of
records.

Payable to
treasurer.

City not to
give bonds
on ap-
peals, etc.

Oaths and
subpoenas.

Quorum of
boards.

Contract-
ors not to
discrimi-
nate
against
members
of labor
organiza-
tion.

Employ-
ment for
eight
hours only.

Patented
pavements
and arti-
cles.

Terms of
present
elective
officers.

City engi-
neer.

by chapter three hundred and forty-five of the laws of eighteen hundred and eighty-eight, and any acts amendatory thereof, during the term of office for which he was elected, without extra compensation, and from and after the expiration of his term, or earlier if he should cease to fill the office, his duties thereunder shall devolve upon the chief engineer of the department of public works.

Repeal.

§ 507. All acts or parts of acts inconsistent with this act are hereby repealed; provided, however, that title fifteen of an act entitled "An act to revise the charter of the city of Buffalo," passed April twenty-eight, eighteen hundred and seventy, being chapter five hundred and nineteen of the laws of eighteen hundred and seventy, and all acts amending said title and supplementary thereto, shall not be repealed or affected by this act until the first Monday in January, in the year eighteen hundred and ninety-three.

Act, when
to take
effect.

§ 508. This act shall take effect on the first Monday of January eighteen hundred and ninety-two, except such parts as relate to elections to office, and except title six, title seven, title nine, title seventeen, title twenty, title twenty-two, title twenty-three, section seventy-four and title one as far as it relates to the creation of twenty-five wards in the city only so far as it is necessary to make the election of aldermen and supervisors therein at the annual election of eighteen hundred and ninety-one, regular and legal, and as to such parts, titles and section it shall take effect immediately; and except also as to subdivision one of section two hundred and seventy-one, subdivision two of section two hundred and seventy-three, section two hundred and eighty-five, section two hundred and eighty-eight, section two hundred and eighty-nine and section two hundred and ninety-seven, which shall take effect on the first Monday in January, in the year eighteen hundred and ninety-three, and except also that no street commissioner shall be elected at the annual election of eighteen hundred and ninety-one, and the mayor elected at such election shall hold office for the term of three years, and except also that the common council shall on or before the first day of October, eighteen hundred and ninety-one, fix the salaries of all officers to be elected under this act at the annual election of eighteen hundred and ninety-one.

CHAP. 106.

AN ACT to revise, consolidate and amend the several acts relating to the village of Mechanicville, and to repeal certain acts.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, March 30, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

TITLE I.

BOUNDARIES AND CIVIL DIVISIONS.

Village
corpora-
tion.

SECTION 1. That part of the towns of Stillwater and Half Moon, in the county of Saratoga, included within the limits and bounds described in the next section, shall hereafter be called "The Village of Mechanicville," and the inhabitants from time to time therein shall

form a body politic and corporate by the name and style of "The Village of Mechanicville," and in that name may sue and be sued, complain and defend in any court, make and use a common seal, and alter it at pleasure, and may receive by gift, grant, devise, bequest or purchase, and hold and convey such real and personal property as the purposes of the corporation may require.

Corporate
name and
powers.

§ 2. The boundaries of said village shall be as follows: Beginning at a point in the westerly bank of the Champlain canal, over the center of the culvert under said canal, near the late residence of Lyman Dwight, deceased, and running thence due east to the center of the Hudson river; thence southerly, on and along the center of said river, to a point therein due east from the center of the mouth of the creek running under said canal, and thence through the farm occupied by John Hart, to said river; thence due west to the center of the mouth of said creek; thence westerly up said creek, on and along the center thereof, to the northerly side of the highway known as the Waterford and Whitehall turnpike; thence westerly, on and along the northerly side of said highway, to the westerly bank of said canal; thence northerly, on and along the westerly bank of said canal, to a point therein due east from a marble post set in the ground at the southeasterly corner of lands of Miss Martha Sears; thence due west to said marble post; thence westerly, on and along the southerly line of said Sears' lands about three hundred and thirty-three feet, to the southeasterly corner of lands of William Leonard; thence northerly, in a straight line, to the center of the stump of a willow tree standing in the north-westerly corner of the old cemetery adjoining South street in said village; thence northerly, in a straight line, to the easterly line of lands of Mary L. Pruyn and Nellie K. Pruyn, at a point therein north, eighty-six and one-half degrees west, from the center of the easterly end of Chestnut street, where said street intersects Clement avenue — which street was laid out through lands owned by Louisiana Clement at her death; thence northerly, in a straight line, to a point in the inner angle of the highway, called Railroad street, near the residence and lands of Timothy E. Sheehan in said town of Half Moon; thence northerly on and along the easterly side of said highway to the angle therein near the residence and lands of John Sheehan; thence northerly, on a course the same as the last above described line, to a point three hundred feet northerly from the northerly side of the highway called North street; thence easterly, on a line paralled with, and three hundred feet northerly from the northerly side of said North street, to the westerly bank of said canal, and thence northerly, on and along the westerly bank of said canal, to the place of beginning.

Bounda-
ries of vil-
lage.

§ 3. Said village shall be divided into three wards, as follows:

First ward. All that part of said village lying and being in the town of Stillwater aforesaid, shall be known and designated as the first ward.

First ward.

Second ward. All that part of said village lying and being in the town of Half Moon aforesaid, and northerly of a line beginning in the easterly boundary of the village at a point therein south, seventy degrees east, from the center of the easterly end of Park avenue in said village, and running thence north, seventy degrees west, to the center of the easterly end of said avenue; thence westerly, on and along the center of said avenue, to the westerly end thereof, and thence due west to the westerly boundary of said village, shall be known and designated as the second ward.

Second
ward.

Third ward. All that part of said village lying and being in the

Third
ward.

town of Half Moon aforesaid, southerly of the southerly line of the second ward, shall be known and designated as the third ward.

TITLE II.

OFFICERS — THEIR ELECTION AND APPOINTMENT.

Village
officers.

SECTION 1. The officers of said village shall be as follows:

1. A president.
2. Two trustees for each ward.
3. A treasurer.
4. A collector.
5. A clerk.
6. One assessor for each ward.
7. One street commissioner.
8. Three or more police constables.
9. A chief engineer of the fire department and one assistant engineer.
10. A fire warden.
11. A pound master.

No person shall hold, at the same time, more than one of said offices. Whenever any officer of said village shall cease to be a resident of said village his office shall thereby become vacant.

Elective
officers.

Terms of.

§ 2. The president, trustees, treasurer and collector shall be elected by ballot by the electors of said village, and shall hold their offices as follows; The president, treasurer and collector for the term of one year, and the trustees for the term of two years; provided, that the term of office of one of the two additional trustees provided for by this act, who shall be elected or appointed in the year eighteen hundred and ninety-one, shall expire on the third Tuesday in March, eighteen hundred and ninety-two. All other officers of said village shall be appointed by the board of trustees thereof, and hold office during the pleasure of said board; and may be removed by said board for sufficient cause shown, at which the party shall have the right to be heard. The term for which trustees are elected, if less than a full term, shall be designated on the ballot. At each annual election held after the passage of this act one trustee for each ward shall be elected to serve two years, and a president, treasurer and collector shall be elected to serve one year.

Appointive
officers.

Terms and
election of
certain
officers.

Annual
elections.

Notices.

§ 3. The annual election of officers shall be held on the first Wednesday of March in each year, and the polls thereat shall be kept open uninterruptedly between the hours of twelve o'clock, noon, and three o'clock in the afternoon. The board of trustees shall annually appoint a polling place in each election district in the village, and give public notice thereof, and of the time for holding the election, and of the hour of opening and closing the polls, and of the officers to be chosen, by posting written or printed notices thereof in at least five public places in each election district at least ten days before the time for holding the election; provided, that until said village shall be divided into two or more election districts such notices shall be posted in at least five public places in each ward, at least ten days before the time for holding the election.

Election
districts.

§ 4. The board of trustees of said village is authorized and empowered to divide said village into election districts as often and whenever said board shall deem such division advisable; provided, that such divisions shall not take effect until the thirty-first day after the same

shall be made. The village clerk shall record all such divisions in the records of said board, and post notices of such divisions within five days after the same shall be made, in at least ten public places in each district, which notices shall particularly define the boundaries of each district.

Record and notice thereof.

§ 5. Said village is constituted a single election district, until the same shall be divided into election districts, as provided in the last section; and until such division shall be made, the trustees of the village shall be the inspectors of election at all elections held therein, and the clerk of the village shall be the clerk of the poll.

Village a single district until divided.

§ 6. When said village shall consist of two or more election districts, the board of trustees shall, at least thirty days before each annual election, appoint from the qualified electors of said village, inspectors of election for each district, which appointees shall be residents of the districts for which they shall be appointed. The number of inspectors in each district shall be the same required by law in election districts in towns at general elections. In such case each board of inspectors may appoint a resident elector of the district, clerk of the poll.

Inspectors of election.

Poll clerks.

§ 7. If, at any election held in said village, a majority of the inspectors do not appear in any district therein at the time for opening the poll, the inspectors present shall appoint a sufficient number of electors residing in the district to constitute a majority, including those present, who shall act until an equal number of the absentees shall appear. In case none of the inspectors shall appear at the time for opening the poll, the electors present and residing in the district, may appoint from their number a sufficient number to preside, who shall conduct the election, until a majority of the absentees shall appear.

Electors may be appointed to act as inspectors.

§ 8. The qualifications of electors shall be determined by the inspectors, either of whom are hereby authorized to administer oaths in respect thereof; the inspectors, or a majority thereof, shall publicly canvass the votes before adjourning; shall openly declare the result, and shall make and subscribe a certificate of such canvass, which shall show the whole number of votes given, the number given for each person voted for, and the office for which he shall have been voted for; and until said village shall be divided into election districts said certificate shall be recorded in the records of the board of trustees. After said village shall be divided into election districts the inspectors, or a majority thereof, in each district shall make and subscribe such certificate, and designate one of their number, who shall deliver the same to the board of trustees of said village, at a meeting thereof which shall be held the day next succeeding such election, at ten o'clock in the forenoon, in the room in which the meetings of said board are usually held. Said board shall then and there proceed to complete the canvass by adding together the statements of the several certificates, and declare the result; and thereupon said board shall make and subscribe a certificate substantially the same as required in this section to be made by inspectors, which certificate shall be recorded in the records of said village.

Powers and duties of inspectors.

Certificate of canvass delivered to trustees.

Completion of canvass and certificate of result.

§ 9. At all elections of officers in said village every person qualified to vote for town officers in the town in which said village or any part thereof shall be situated, and residing in said village, may vote for all the officers to be chosen. No person shall be elected as such officer unless he shall be entitled to vote at the election at which he shall be elected. Said election shall be by ballot with all the names voted for on one ballot, designating the office for each, and the ward for which the trustee is to be chosen.

Qualification of voters.

Proceedings in case of tie vote.

§ 10. The person eligible and having the greatest number of votes shall be declared elected; and if two or more shall have the greatest and an equal number of votes, the inspectors, if said village shall consist of a single election district, shall forthwith determine by lot which shall be deemed elected; but in case there shall be two or more election districts, then said board of trustees, at the meeting held to complete the canvass, shall determine in like manner which shall be deemed elected. In either case, the facts shall be set forth in the certificate of the result of the election.

Vacancies in elective offices.

§ 11. If any vacancies shall occur in any elective office, the board of trustees may order a special election to fill such vacancy, and such election shall be conducted as the annual election; or said board may appoint an elector of said village to fill such vacancy, who shall hold his office until his successor is elected and qualified.

Certain officers to be residents of wards.

§ 12. The trustees shall, at the time of their election or appointment, be residents of the wards for which they are respectively chosen. The assessors shall at the time of their appointment, be residents of the wards for which they shall be respectively appointed; but a subsequent removal into another ward of said village, by either of said trustees or assessors, or a change in the ward boundaries, shall not vacate their office.

Officers to hold until successors qualify.

§ 13. All officers elected or appointed under this act shall hold their respective offices, unless sooner removed or disqualified, until their successors shall be elected or appointed and qualified.

Official bonds.

§ 14. The treasurer, collector and police constables shall severally, before they enter upon the duties of their respective offices, execute and file with the village clerk a bond to the village of Mechanicville, in such sum, and with such sureties, as the board of trustees shall approve, conditioned that they will faithfully execute the duties of their respective offices, and account for and pay over all moneys received by them respectively.

Oaths of office.

§ 15. The several officers elected or appointed under this act shall each before entering upon the duties of his office, take, subscribe and file with the village clerk the oath of office provided by the constitution; and every such person who shall refuse or neglect to file said oath of office for ten days after personal notice in writing from the clerk of his election or appointment, shall be deemed to have declined the office, and the same may be filled as in case of a vacancy.

President and trustees to be tax-payers.

§ 16. No person shall be eligible as president or trustee of said village unless he shall own real property in said village liable to be assessed for taxes therein.

Qualifications of voters at tax meetings.

§ 17. No person shall vote upon any proposition to raise a tax or appropriate the same, unless he shall at the time be an elector of said village, and unless he was assessed on the last assessment-roll of said village for real or personal property.

Officers, when to enter upon duties.

§ 18. The officers elected under this act shall enter upon the duties of their offices on the third Tuesday of March in which they shall have been elected; except that all officers elected to fill a vacancy, and all officers appointed, shall, as soon as qualified, enter upon the duties of their offices.

Terms of officers.

§ 19. The officers elected or appointed under this act shall hold their respective offices until the third Tuesday of March next following the month in which they shall have been elected or appointed, except as otherwise provided in section two of this title, subject to being sooner removed as provided in said section; provided, that all officers elected to fill a vacancy, and all officers appointed to fill a vacancy in an elec-

tive office, shall serve until their successors are elected and qualified.

TITLE III.

FINANCIAL REGULATIONS AND RESTRICTIONS.

SECTION 1. The annual meeting or any special meeting held pursuant to this act, shall determine what sum shall be raised by general tax upon the taxable property in said village for the general expenses of said village and for the purposes enumerated in section ten, title five of this act, and for any other lawful village purpose or purposes, except as hereinafter provided.

Tax for general expenses, how determined.

§ 2. The general expenses of said village shall be deemed to include all expenses and moneys necessary in carrying into full force and effect all the provisions of this act, and the by-laws, ordinances, rules and regulations of the board of trustees, except for the purposes enumerated in section ten, title five of this act.

General expenses defined.

§ 3. Before any tax shall be voted for at any such meeting, a notice shall be published by order of the trustees, and signed by the president or clerk, for at least ten days before such meeting, by posting up such notice in at least five public places in each ward in said village, stating that the meeting will be called upon to vote for a tax, also the amount to be raised, the time of and place where such meeting will be held, and the time of opening and closing the polls. The vote thereon shall be taken by ballot which shall have on the inside the words "For the tax" or "Against the tax," and deposited in a separate box, to be labeled "Village Tax." Said polls shall open at twelve o'clock, noon, and close at three o'clock in the afternoon of that day. The trustees of said village shall be inspectors of election at all of such meetings, and in their absence the electors may appoint such inspectors, as provided in section seven, title two, of this act.

Notice of meeting to vote tax, etc.

Ballots.

Meeting, how conducted.

§ 4. Claims against said village shall only be paid when presented, allowed and certified, as follows:

Claims against village.

1. The claim must be in writing, showing the nature thereof, and, when comprising two or more items, specifying them; and must be verified by the affidavit of the claimant, or of some other person to the effect that the items of the account are in all respects correct; that the services were rendered or disbursements made; or otherwise proving the facts constituting the claim; and that no payment has been made thereon, or, if any, how much.

How made out and verified.

2. The claim shall be presented to the board of trustees and allowed by resolution entered in the records of said board, for such sum, if any, as the trustees shall be satisfied is justly and legally due from the village thereon.

How allowed by trustees.

3. The order for the payment of the amount so allowed shall be signed by the president and countersigned by the clerk, under the corporate seal, who shall keep a record of all orders with a reference to the resolution ordering the same. Such orders shall direct payment to be made from the highway fund or the general fund, as the case may be.

Orders for payment.

TITLE IV.

POWERS AND DUTIES OF THE PRESIDENT.

SECTION 1. The president shall be the chief executive officer of the village, and when present shall preside at all meetings of the board of

Village president,

his powers and duties. trustees and have a vote on all questions. He shall see that all the provisions of this act, and all resolutions, by-laws, ordinances and rules of the trustees and village are faithfully executed, and shall receive complaints and institute prosecutions for their violation. The president, in behalf of said village, shall execute all leases, contracts, licenses and other papers to be executed as the act of the village, when so authorized by the trustees; provided, that the clerk of said village may also execute all licenses under the corporate seal, under such restrictions as the trustees may impose.

Annual financial report. § 2. The president shall submit to the annual meeting a report of the financial transactions of said village for the year, showing:

1. All moneys raised and received and from what sources.
2. All payments, specifying each order and the amount.
3. The entire indebtedness of said village, if any, stating the payments thereon and when made.

Estimate of tax to be voted. 4. He shall also submit an estimate of the amount required to be raised by tax for the ensuing year, for raising which a meeting of the taxpayers shall be necessary to authorize; it may also contain such other statements as the president may deem useful for the information of the meeting.

Power to administer oaths. § 3. The president, trustees and clerk may administer any oath required by this act to be taken, but they shall not exact or receive any fee therefor.

TITLE V.

POWERS AND DUTIES OF THE TRUSTEES.

Meetings of board of trustees. SECTION 1. The trustees shall meet at such place in said village, and at such times as they shall by resolution direct; they may also meet at any time and place in said village when called upon for that purpose by the president, or notified by the clerk; and the clerk shall call special meetings of the board of trustees at any time, on the written request of any two trustees; and all such meetings may be adjourned from time to time. All such meetings of the trustees shall be public.

President pro tem. § 2. In the absence of the president, any one of the trustees may be appointed president for the time. A majority of the trustees shall constitute a quorum for the transaction of business, provided that the president shall not be deemed a trustee for the purposes of this section, but anyone acting in his stead shall preside as a trustee, and shall vote as such.

Business quorum. § 3. It shall be the duty of the trustees and they shall have the power and authority:

Powers of trustees. 1. To appoint the officers whose offices are held by appointment, and to fill any vacancy in any office by appointment of a suitable elector, who, if the office is elective, shall hold only until the next annual election, and if the vacant term be not then terminated, it shall then be filled for the residue of the term by election. If from any cause Vacancies of trustees, how filled. vacancies shall exist in the office of three or more of the trustees, the remaining trustee or trustees, with the president, if there shall be one, are hereby invested with power and authority, and it shall be their duty, to appoint a number of trustees sufficient with such remaining trustee or trustees, to constitute a quorum for the transaction of business. If a vacancy shall exist in the office of all the trustees and there shall be a president, then such president shall make such appointments. Proceed- If said trustee or trustees and president, or said president, in case there

shall be no trustees, shall fail to make such appointments within ten days after such vacancies are known to exist; or in case the offices of the president and all the trustees are vacant, the county judge of the county of Saratoga shall, on the petition in writing of ten or more freeholders of said village, appoint by an order to be entered in the village records, seven taxpayers of the village, who shall appoint a special election for president and trustee or trustees, as the case may be, and appoint inspectors of election and polling places, and canvass, declare and certify the result in the same manner and with the same force and effect that the board of trustees may, under this act, in cases of annual elections. If said village shall be a single election district, said taxpayers shall be the inspectors of such elections.

2. To provide for the care, custody and preservation of the public property records and papers of said village.

logs in
case of
failure to
fill same.

3. To suppress vice and immorality, preserve the public peace, and to protect the inhabitants in their property.

Care of
property,
etc.
To sup-
press vice,
etc.

4. To erect and maintain a lock-up or jail, or designate a place for the detention of persons arrested under this act, or under any by-law or ordinance and to confine and detain said persons therein.

Lock-up.

5. To apprehend and punish idlers, vagrants and disorderly, boisterous, riotous or unruly persons unnecessarily congregated upon the sidewalks and corners, or in any street or alley of said village, and persons disturbing public meetings.

Vagrants
and dis-
orderly
persons.

6. To employ an attorney or attorneys in the prosecution or defense of any action by or against the corporation, or for the transaction of any business of the corporation requiring professional skill.

Employ-
ment of at-
torneys.

7. To prohibit and suppress gaming houses; to prohibit the keeping of gaming tables or bowling alleys, and to prohibit and destroy all instruments and devices used for such purposes.

Gaming
houses.

8. To suppress and restrain houses of ill-fame, and all drinking and tippling houses.

Houses of
ill-fame,
etc.

9. To prevent incumbering the streets, squares, sidewalks, crosswalks, lanes, and alleys with teams, carriages, carts, cabs, omnibuses, sleighs, sleds, wheelbarrows, or other vehicles, or boxes, barrels, lumber, timber, wood, logs, coal, stone or any other substance or material whatsoever; and to prevent the deposit of dirt, ashes, rubbish or any other substance or thing in any public way in said village.

To prevent
incumber-
ing streets.

10. To regulate or prevent the erection, construction or maintaining of any projection from or opposite of any building in, over or upon any of the streets or sidewalks in said village, and to cause the same to be removed at the expense of the owner or occupant of the premises.

Projection
over
streets or
sidewalks.

11. To restrain the running at large of cattle, sheep, horses, swine, dogs, goats or geese in any of the streets or alleys of said village.

Animals.

12. To provide for the lighting of streets and for the safety of the public lamps, and to regulate the use of candles, kerosene, or burning materials of any kind whatsoever, or lights or fires in barns and stables, and any other place liable to take fire.

Lighting
streets.

13. To procure fire engines, hose and hose-carriages and other implements and apparatus for the extinguishment of fires; and to have the charge and control of the same, and to provide fit and secure engine-houses and other places for preserving and keeping the same and other public property of said village.

Fire en-
gines, en-
gine-
houses and
apparatus.

14. To organize and establish a fire department to be composed of one or more fire and hose companies in said village; to appoint firemen to each company, and to regulate the management, use and protection of the engines and other apparatus and property belonging to said

Fire de-
partment
and fire-
men.

village; and to prescribe the number, powers and duties of each of said companies, and of all members thereof; such members shall always be subject to removal by the trustees.

Protection of property, etc., at fires. 15. To protect the property, both real and personal, of individuals at times of fires, and to appoint guards for the protection of the same, and to prescribe their powers, duties and compensation.

Precautionary measures to prevent fires. 16. To authorize the fire warden, at reasonable times, to enter and examine all houses, stores, yards, mills and other buildings, to ascertain if they are in a dangerous state in regard to fire, and to direct and compel the owner or occupant to put the same in a safe condition; and, in default, to appoint any person to do the same at the expense of such owner or occupant.

Bonfires, fire works, etc. 17. To regulate or prevent the burning of tar barrels or bonfires, and the firing of guns, cannons or pistols, crackers, rockets or squibs, and fire-balls, the flying of kites, rolling of hoops, playing of ball, riding down hill on sleighs or other vehicles, or any other amusement or practice endangering property, or having a tendency to frighten horses, or dangerous to the life or limb of persons passing through the streets or over the sidewalks of said village.

Bathing. 18. To regulate swimming or bathing in the waters within or bounding the village.

Immoderate riding or driving. 19. To prevent immoderate riding or driving within the village limits, and to authorize any officer to stop any one who may be guilty of such riding or driving within said village.

Speed of cars, etc. 20. To limit, regulate and control the speed of locomotives, engines and cars upon any railroad within said village, and to prohibit the same from occupying, or incumbering, or standing on, any street, highway, crosswalk or sidewalk in the village.

Sale of meats, etc. 21. To regulate the time, place and manner of keeping and selling meats, fish, vegetables and other farm products, and the location of slaughter-houses, sties, pens, and houses and places for storing gunpowder in said village.

Slaughter and powder-houses. Shows, caravans, etc. 22. To prohibit or regulate all exhibitions of natural or artificial curiosities, and caravans of animals; all theatricals or other shows, concerts, circuses, or other performance or exhibition for money or hire, or authorize the same on such terms as the trustees shall deem expedient; and to issue licenses therefor to the proprietor or proprietors of any opera house or opera houses, and other public places of amusement, in said village, and to fix the fees therefor.

Peddling, ringing bells, etc. 23. To restrain or prevent hawking and peddling, the ringing of bells, blowing of horns, and crying of wares, in the streets of said village, and to regulate or prevent sales by auction, and grant and withhold licenses to auctioneers.

Auctions. Removal of snow, ice and dirt. 24. To compel all persons and corporations to remove snow, ice, dirt and other substances from the sidewalks and gutters in front of the premises owned or occupied by them in said village.

Nuisances, removal and abatement of. 25. To determine the existence of a public nuisance in any part of said village, and to compel its removal or abatement; and if not done within such time as the trustees may allow therefor to cause the same to be removed or abated at the expense of the village, and to declare such expense to be a lien on the lot upon which such nuisance may exist, and to enforce the collection thereof by action, or by foreclosing the lien in the manner prescribed in this act.

Enforcement of duties of officers. 26. To see that the officers of said village perform their respective duties faithfully and correctly, and to cause measures to be taken to punish neglect of duty by any of them.

27. To call special meetings of the electors when, in their judgment, the interests of the village shall require it, and to cause the clerk to give notice in the manner prescribed in section three, title three of this act. Special village meetings.
28. To examine all accounts against the village, and to allow such as are just and legal. Auditing accounts.
29. To fix the amount and decide upon the sufficiency of the sureties of the official security of the treasurer, collector and police constables, and to require additional security from any such officer when they may deem it necessary, and suspend him until it is given. Official bonds and approval of sureties.
30. To raise annually by tax, to be assessed upon the estates, real and personal, within said village, such an amount of money, denominated highway tax, as they shall deem necessary, not exceeding the sum of fifteen hundred dollars; and also to annually assess a poll-tax of one dollar on each male inhabitant of the village, of the age of twenty-one years and upward, which poll-tax shall be collected as in this act provided. The highway-tax and poll-tax, when collected, shall be paid to the treasurer and by him kept separate from all other moneys, and shall be denominated the highway fund. Assessment of highway tax.
Poll-tax.
Highway fund.
31. To raise annually by tax, to be assessed upon the real and personal estate within said village, such an amount of money as they shall deem necessary, not exceeding the sum of two thousand dollars, which said sum shall be expended by said trustees in liquidating the general expenses of said village. Such money shall be denominated the general fund. Annual village tax.
Limitation.
32. To issue warrants for the collection of taxes and assessments, and of the expenses of making and repairing sidewalks, abating nuisances, and damages for lands taken for streets. Such warrants shall require the moneys therein mentioned to be paid to the treasurer, and shall be returnable to the clerk in thirty days from the time of issuing the same, and if not wholly collected the trustees may from time to time renew the same. Issue of warrants for collection of taxes, etc.
33. To direct the manner and materials, and superintend the making and repairing of sidewalks and crosswalks in said village. Whenever the trustees shall direct a sidewalk in front of any lot to be made or repaired, they shall direct the grade, width and form of construction, and may prescribe the materials or direct it to be covered with stone, hard brick or plank, with such curbing as they may deem proper. When required to be covered with stone or brick, at least thirty days' notice shall be given to the owner or occupant of the lot; in all other cases twenty days' notice shall be given; when they shall direct a sidewalk to be repaired only, which has once been made, ten days' notice of such requirement shall be given. If in any case specified in this section the owner or occupant of the lot shall fail to comply with the requirements of which he has been notified within the time limited by the notice, the trustees shall cause the same to be done at the expense of the village; such expense, when determined and allowed by the trustees, shall thereby become a debt of the village against the owner of the lot upon or in front of which it was made or repaired, and a lien upon such lot, and the debt may be collected by action, or the lien enforced by selling the lot, as provided in this act. All grading and regrading necessary for the purposes mentioned in this section shall be done by, and at the expense of said village. Sidewalks and crosswalks, making and repairing of.
Notice to land-owners or occupants.
Trustees may cause work to be done.
Expense.
Grading and regrading, expense of.
34. To assess, levy and raise the tax and taxes specified in subdivisions thirty and thirty-one of this section, upon their own motion, duly entered in the records of said village. Levy of taxes.

- Tax sales.** 35. To order real property to be sold to satisfy taxes, expenses and assessments charged thereon, and not paid or collected.
- Numbering lots and naming streets.** 36. To give names to streets and numbers to the lots and tenements, and to change the same.
- Prosecutions upon contracts and for fines.** 37. To cause prosecution upon any contract or liability in which said village is interested, and for fines or penalties imposed by this act, or by any by-law or ordinance of the village, and to enforce the collection thereof, or to remit the same or any part thereof.
- Execution of laws, etc.** 38. To do any act necessary to carry into effect the provisions of this act, or any resolution, by-law, ordinance or other proceeding which they are authorized to adopt by this act, or by any statute.
- To prescribe duties.** 39. To prescribe, from time to time, the duties of the several officers appointed by them, subject to the provisions of this act, and the amount of their compensation as provided herein.
- Publication of laws, etc.** 40. To publish the charter, ordinances and by-laws of said village, the proceedings of the trustees and notices.
- Blank-books, etc.** 41. To procure the necessary blank books, blank forms, paper, desk and book case for the use of the clerk and other village officers.
- Shade trees.** 42. To prevent the injury or destruction of shade or ornamental trees planted along the streets and sidewalks in said village.
- Board of health.** 43. To appoint a board of health for said village, as provided in the general laws of this state relating thereto; and such board of health shall be subject to the provisions of such general laws.
- Precautionary health measures.** 44. To take such measures as they shall deem efficient to prevent the entrance of any pestilential, infectious or dangerous diseases, in said village.
- Demolition of buildings.** 45. To raze or demolish any building or erection which may, by reason of fire or any other cause, become dangerous to human life or health, or may tend to extend a conflagration.
- Division fences.** 46. To prescribe and enforce the erection and keeping in repair of division fences.
- Trimming trees.** 47. To authorize and direct the trimming of shade and ornamental trees in the streets and public grounds of said village.
- Boundaries and surveys.** 48. To determine the lines and boundaries of all roads, streets, alleys, avenues, highways, public grounds, parks and places in said village, and to be caused surveys and maps thereof to be made.
- Removal of erections within street boundaries.** 49. To authorize and require any building, fence or other erection which is or may be erected, built or placed within the line or boundary of any street, highway, public grounds, avenue or alley in said village, to be removed therefrom by the owner or occupant; and in case of his, her or their neglect or refusal to so remove the same, within such time as the trustees may allow therefor, to cause its removal at the expense of such owner or occupant, and to enforce the collection thereof by action against such owner or occupant in any court having jurisdiction.
- Improvement of streets, sewers, etc.** 50. To grade, pitch, level or repair, to construct, make, amend, relay or regrade any street, avenue, alley, road, public grounds or highway, sidewalks, crosswalks, drains, sewers or sluices either with plank, stone, brick, dirt or gravel, as said trustees may determine, and to provide for the planting or setting and protecting shade or ornamental trees in any public grounds, square or streets in said village.
- Trees in public grounds.** 51. To appoint one or more night watchmen for said village as often and whenever the trustees may deem the same necessary, and to fix the amount of their compensation. Said night watchmen, while on duty, shall have and possess all the powers and authority conferred upon police constables in said village.
- Night watchman.**

52. To regulate the running of telegraph, telephone, electric light and other wires through, along or across any of the public streets, lanes, alleys and sidewalks in said village, and to prescribe the height thereof and the location, height and character of posts, poles, brackets and the length thereof, and all other erections therefor; but said trustees shall not consent to, or permit the erection of any such post, pole, bracket, or other erection in any public way in said village, without the consent in writing of a majority of the owners of the property in, on or adjoining such public way.

Telegraph, telephone and electric light wires, etc.

Consent of property owners.

53. For the purposes aforesaid, or any of them, or of executing any other power conferred upon them by this act, or any law of this state, to make, establish, modify, amend and repeal, from time to time, all such by-laws, rules, ordinances and regulations as may be necessary and proper for carrying into full force and effect the purposes of said corporation, and the powers and privileges granted by this act, and any law of this state, and for the enforcement of the same.

By-laws, rules and ordinances.

54. To prescribe such fines and penalties as they may deem proper for a violation of any such by-law, ordinance or regulation, not exceeding one hundred dollars for each offense; but all such by-laws, ordinances and regulations prescribing a fine or penalty, shall be posted in at least three public places in each ward in said village, five days before the same shall take effect; and a copy of the affidavit proving such posting and publication, certified by the clerk, under the corporate seal, shall be conclusive proof of such posting and publication in all courts and places.

Fines and penalties for violations thereof.

Publication of ordinances.

§ 4. In all actions brought to recover any fine, penalty or forfeiture incurred under this act, or the ordinances, by-laws or regulations of the village, or the by-law, ordinance or regulation under which the fine, penalty or forfeiture is claimed, on judgment being recovered in any such action, execution may issue of like form and effect, and in the same manner as in actions for other wrongs.

Execution may issue on judgments for fines, etc.

§ 5. No trustee shall be appointed to any office by the board of trustees, except in case of absence of the president at any meeting of the trustees and village meetings, nor shall the president or any trustee be interested in any contract made with the corporation, and any contract made in violation of this provision shall be void.

Trustees not to be appointed to office.

Not to be interested in contracts.

§ 6. Said village is hereby constituted a separate road district, which is hereby exempted from the superintendence and control of the commissioners of highways of said towns of Stillwater and Half Moon, except as otherwise provided in section seven of this title; and the trustees of said village shall be commissioners of highways exclusively for said village, and shall possess and exercise within the limits of said village all the power and duties of commissioners of highway of towns, except as otherwise provided in this act, and in addition thereto the powers and duties which are authorized by this act.

Village a separate road district.

Powers of trustees as highway commissioners.

§ 7. The bridges in said village shall be under the exclusive control and superintendence of the commissioners of highways of said towns of Stillwater and Half Moon, in which said bridges are located, except as otherwise provided in this section; and said bridges shall be erected, repaired and maintained by said towns in the manner provided by law, and as though this act had never been passed; provided, that in case said towns, or either of them, or their proper officers, shall neglect or refuse to erect, repair or maintain said bridges, the trustees of said village may, and they are hereby authorized and empowered to erect, repair and maintain the same under the superintendence and control of said trustees, and the expense thereof shall be a charge against,

Bridges in village, control of.

Trustees may erect and maintain same.

Expense.

how
charged.

and shall be paid by the town or towns in which said bridges are situated.

Applica-
tions for
opening or
altering
streets.

§ 8. Any person liable to be assessed or taxed for highway moneys, residing in said village, may apply, in writing, to the trustees thereof to alter, widen or discontinue any street or road in said village, or any part of any such street or road, or to lay out any new street or road therein, of such width and dimensions as shall be deemed necessary and proper; and every order of said trustees in such proceedings shall be by them filed and recorded with the clerk of said village; and every determination of said trustees in such proceedings may be reviewed in the same manner provided by law for reviewing the determinations of commissioners of highways in towns in like proceedings. A copy of such application, together with a notice of the time and place for the hearing thereon, shall be personally served on the owners of the lands proposed to be taken in such proceedings, at least five days before such hearing, except if such owners are non-residents of said village, or can not, with reasonable diligence, be found within the county of Saratoga, then such service shall be made on the agent of such owners, if there shall be such agent in said village; but if there shall be no such agent in said village, then such service shall be made by duly mailing such copy and notice to such owners at their place of residence, if such place be known, at least ten days before such hearing, and if such place of residence be unknown, then such service shall be made by publishing said copy and notice in a newspaper published in said village, and by duly mailing such copy and notice to said owners at their last known place of residence, at least ten days before such hearing.

Order of
trustees.

Service of
notice,
etc., upon
land own-
ers.

Proceed-
ings for
assessment
of dam-
ages.

§ 9. The damages sustained by reason of laying out and opening, or altering or discontinuing, or widening any road, alley or street in said village, may be determined by agreement between the owner or owners, and trustees, and unless such agreement shall be made, or the owner or owners shall release all claim for damages, the same shall be assessed by three commissioners, to be appointed by the county court of the county of Saratoga, on the application of said trustees; and the commissioners so appointed shall take the oath of office prescribed by the constitution, and shall proceed, on receiving at least five days' notice of the time and place, to meet said trustees and take a view of the premises, hear the parties and such witnesses as may be offered before them; and they shall meet and act, and shall assess all damages required to be assessed, and shall be authorized to administer oaths to witnesses which may be produced before them under this section; and when they shall have met and acted, the assessment agreed to by a majority of them shall be valid, and final and conclusive, and when so made shall be delivered to said trustees, who shall file the same in the clerk's office; and in such case said commissioners in determining said damages, shall take into consideration the benefit accruing to any person claiming damages by reason of altering, widening, discontinuing or laying out any street, alley or road.

Appoint-
ment of
commis-
sioners.
Their pow-
ers and
duties.

Assessment
agreed
upon, final.

Highway
fund, how
expended.

§ 10. The highway fund shall be expended under the direction and control of said trustees for making and keeping in repair streets, highways, gutters, crosswalks, public sidewalks, sewers, ditches and sluices in said village, and for grading and regrading sidewalks therein.

TITLE VI.

ASSESSMENT, LEVYING AND COLLECTION OF TAXES.

SECTION 1. It shall be the duty of the assessors in each and every year, before the fifteenth day of May, to prepare and complete an assessment-roll of all property subject to taxation in said village, in the manner prescribed by law in respect to town assessors, as nearly as practicable, and to deliver the same together with a copy thereof to the clerk of said village within the time aforesaid; and said assessors are hereby invested with all the power that town assessors have, including the power to administer oaths, and to correct valuations on the application of persons interested; but the notice of the time and place of meeting to hear applications to correct the valuation shall be posted in at least two public places in each ward in said village, six days prior to the time appointed for such hearing. Said roll shall also contain the name of every male inhabitant of the village of the age of twenty-one years and upwards, and a separate column for the insertion of the poll-tax.

Annual assessment-roll.

Powers of assessors.

Notice of meeting to hear grievances.

§ 2. The trustees shall, in each and every year, on or before the twentieth day of May, determine by resolution to be entered in the records of the village, the amount or sums of money which they shall deem necessary to assess pursuant to subdivisions thirty and thirty-one of section three, title five of this act; provided that such resolution or resolutions shall state separately the sum or amount to be assessed pursuant to each of said subdivisions; and provided, further, that the amount assessed pursuant to each of said subdivisions shall not exceed the sum therein stated. Within five days after such determination said trustees shall proceed to apportion in the copy of the assessment-roll the amount required to be raised according to the valuation and assessment, in the same manner as is required for town and county tax-lists. Said trustees shall also assess each male inhabitant of said village of the age of twenty-one years and upwards, whose name appears in said copy, a poll-tax of one dollar, which assessment shall be extended in the separate column prepared in said copy for that purpose. The trustees shall there upon annex their warrant for the collection of taxes to said copy, and deliver the same to the collector of said village. Said warrant shall command the collector to receive, levy and collect the several sums in the roll specified as assessed against the persons, corporations and property therein mentioned or described, with his fees for receiving and collecting the same and to return said roll and warrant within thirty days after the date thereof to the clerk of said village.

Determination of amount to be assessed.

Apportionment of tax.

Poll-tax.

Warrant for collection of taxes.

§ 3. The collector shall give notice of the time of receiving such tax-roll and warrant, and shall designate therein some convenient place for receiving said tax, by posting at least two notices thereof in each ward in said village. Any person may, within ten days after the date of said notice, which date shall be the day of posting, pay his or her tax, by paying the amount thereof and one per centum fees to the collector. After the expiration of said ten days the collector shall be entitled to five cents on each dollar and fractional part, for collecting said tax, and shall proceed to collect the unpaid taxes in said roll specified, and shall have and possess all the powers and authority conferred by law on the collector of town and county taxes, and shall, before the expiration of his warrant, pay over all moneys received and collected by him, to the treasurer of said village, and take his receipt therefor, and

Notice of receiving taxes.

Collector's fees.

His powers and duties.

Return to clerk.

Sale of lands for unpaid taxes or assessments.

Service of notice of sale.

Manner of sale.

Certificate to purchaser upon non-redemption of lands.

Purchaser to serve notice.

Sale, when absolute.

Possession by purchaser.

Removal of buildings.

Liens upon certain lands, how enforced.

make return to the clerk of the amount received and collected by him and paid over, and of taxes remaining unpaid.

§ 4. Whenever any person or corporation, upon whose estate or property a tax or assessment shall be imposed or assessed in pursuance of this act, shall refuse or neglect to pay the same within the life of the warrant issued for the collection thereof, and there shall be no sufficient personal property of such person or corporation found within the limits of said village, whereof the same can be levied and collected, the collector holding such warrant shall make return thereof to the trustees, who are thereupon authorized and empowered to cause the estate on which such tax or assessment is imposed or assessed, to be sold at public auction, in the daytime, for a term of time, for the payment of such tax or assessment, giving four weeks' notice of the time and place of such sale, by posting notices thereof in at least two public places in each ward in said village, and serving personal notice upon the owner of said estate, if he be a resident of said village, and if not a resident, then serving notice by mail upon such owner, if his place of residence be known to said trustees, and the said estate shall be sold to the person who shall offer to take it for the shortest term for the payment of such tax or assessment and interest, and the expenses of such posting and sale.

§ 5. Whenever any real estate shall be sold for the collection of any tax or assessment, or to enforce any lien created by subdivision thirty-three of section three, title five of this act, and the owner thereof, his heirs or assigns, shall not, within one year thereafter, have paid or tendered to the purchaser or his legal representatives, or to the treasurer of the village of Mechanicville, the amount of such tax or assessment, or the amount of such lien, and all expenses, with interest at the rate of ten per centum per annum from the time of such sale, the board of trustees shall deliver to the purchaser thereof a certificate of such sale, under the seal of such corporation and signed by the president, the execution of which may be proved or acknowledged as a deed; and upon the receipt of such certificate the purchaser may proceed to serve upon the holder or owner of any mortgage, judgment or decree which may be a lien upon such estate, or any portion thereof, notices in writing of such sale, and that, unless redeemed within three months from such service such sale shall become absolute; and in case the person or parties holding or owning such mortgage, judgment or decree shall neglect to redeem the premises contained in said certificate within three months from the time of serving such notice, such sale shall become absolute; and such certificate may be recorded in like manner and with like effect as in case of other conveyance of real estate.

§ 6. The purchaser at any such sale receiving such certificate, or his executors, administrators or assigns, may, in case the lands are not redeemed as herein provided, enter into the possession of such real estate, and hold, occupy and enjoy the same during the time for which it was sold as aforesaid, and shall be at liberty, within such time, to remove all the buildings and materials which he may erect or place thereon.

§ 7. All liens upon real estate created by virtue of subdivisions twenty-five and thirty-three of section three, title five of this act, or by or under this act, shall be enforced and satisfied in the same manner and form, and with the same effect, and upon the same notice, provided in section four of this title, and all the provisions of said section four, and sections five and six of this title, are hereby made applicable in enforcing and satisfying said liens.

§ 8. The trustees shall have full power in all cases to correct the assessment and tax-roll, whenever it shall be made to appear to them that any mistake had been made therein; and they shall have full power and authority to correct names therein, and the description of the real estate therein, and to alter all necessary descriptions of the real estate therein, when a proper description thereof has been omitted by the assessors, or when the description thereof by the assessors shall appear to the trustees to be in any way defective. Said trustees shall also have power to add to said roll the name of any person liable to be assessed a poll-tax, and to assess the same, when such name shall not appear on such roll.

Correction
of mistakes
in tax-roll.

Addition of
names to
poll-tax.

§ 9. At the expiration of thirty days after the collector shall have received the tax-roll, he shall deliver to the president of the village a list in writing, subscribed by him, stating the name of every person who has not paid the poll-tax assessed against him in said roll; and thereafter said unpaid poll-tax shall be payable to the president only; and payment thereof shall be enforced in the manner provided in this act. If the collector, on demand, after the expiration of said thirty days, shall neglect or refuse to deliver such list as aforesaid, he shall be charged with having received payment of all such unpaid poll-tax, and he shall pay the amount thereof to the treasurer of said village on demand.

List of
delinquent
poll-tax
payers.

Tax pay-
able to
president.

Neglect or
refusal to
deliver
list.

§ 10. Upon receiving the list of delinquent poll-tax payers mentioned in the last preceding section, the president shall forthwith proceed to enforce payment of such tax in the following manner: He shall, in the name of the village, make separate complaint in writing against each delinquent to the police justice, if there shall be one in said village, but if not, to any justice of the peace residing in said village, alleging the assessment and amount of such tax, and that the same has not been paid.

Payment
of tax,
how en-
forced.

Complaint
to justice.

§ 11. The justice to whom such complaint shall be made shall forthwith issue a summons, directed to any police constable of said village, or to any constable of the county of Saratoga, requiring him to summon such delinquent to appear forthwith before such justice at some place within the corporate limits of said village, to be specified in the summons, to show cause why he should not be fined according to law for such neglect or refusal; which summons shall be served personally, or by leaving a copy thereof at his personal abode.

Issue of
summons
to delin-
quents.

Service
thereof.

§ 12. If, upon the return of such summons, no sufficient cause shall be shown to the contrary, the justice shall impose a fine on such person equal in amount to the sum of two dollars and the cost of such proceedings, and shall forthwith issue a warrant under his hand, directed to any constable provided in section eleven of this title, commanding him to levy such fine, with his fees, of the goods and chattels of such delinquent.

Fines may
be im-
posed.

Warrant
for levy
and collec-
tion.

§ 13. The constable to whom such warrant shall be directed shall forthwith collect the moneys therein mentioned, and pay the same, when collected, to the justice who issued the warrant, who is hereby required to pay said fine to the president.

Collection
and pay-
ment to
justice.

§ 14. Every fine received by said president shall be set off against the poll-tax of the person on whom such fine was imposed; and the same, and all poll-taxes received by the president, shall, within twenty-four hours after the receipt thereof, be paid to the treasurer.

Fines to
off-set tax.
Tax and
fines to be
paid to
treasurer.

TITLE VII.

OF OFFICERS—THEIR POWERS AND DUTIES.

Village
clerk, his
duties.

SECTION 1. It shall be the duty of the clerk of said village to keep all the books and papers belonging to said village; to attend all the meetings of the trustees; to keep a journal and record of the proceedings of said trustees at every meeting thereof; to record all by-laws, ordinances, rules and regulations, made and passed by said trustees; to receive, file and preserve all returns of the election of village officers, and to record the same, all reports of the treasurer, all bonds of village officers, with the approvals thereof, all returns of votes taken on questions submitted to the electors and inhabitants of said village for approval or disapproval, and all other papers required to be filed by the provisions of this act, or by the direction of the trustees; to put up and post all notices in the manner and in the places prescribed and directed by this act (except those pertaining particularly to the officers* of assessors and collector), or by any by-law or ordinance of said trustees; to serve written notices of the election on all officers elected under this act as soon thereafter as may be; to keep an accurate account of all orders, and the amount thereof, drawn by said trustees on the treasurer, in an order book to be kept by him for that purpose; to keep the corporate seal of said village; and to perform all the duties required of him by this act, or by the trustees, or by the by-laws or ordinances of said village. Copies of all papers filed in his office, and transcripts from the records of the proceedings of said board of trustees, duly certified by the clerk under the corporate seal, shall be evidence in all courts and places in like manner as if the originals were produced. Said trustees may allow to said clerk such compensation for his services as they shall deem proper, which compensation, when fixed, shall not be reduced so as to affect any clerk then in office.

Copies of
records,
etc., evi-
dence.

Compensa-
tion.

Treasurer,
his duties.

§ 2. The treasurer shall receive all moneys belonging to the village, and give receipts for the same, and keep an accurate account of all the receipts and expenditures. All moneys shall be drawn from the treasury in pursuance of an order of the board of trustees, signed by the president or presiding officer of the board, and countersigned by the clerk, under the corporate seal. The books and entries of the treasurer and the order-book of the clerk shall be open for inspection of any elector of said village at all reasonable hours. The treasurer shall exhibit to the board of trustees, at least thirty days before the annual election in each year, a full account of all the receipts and expenditures after the date of the last annual report, and also the state of the treasury, which account shall be filed in the office of the clerk. The treasurer shall keep a separate account of the highway fund and the general fund. He shall receive such compensation for his services as the trustees may allow, not exceeding the compensation allowed to county treasurers for similar services.

Moneys,
how drawn
from treas-
ury.

Annual
financial
report.

Separate
accounts.

Compensa-
tion.

Assessors,
their pow-
ers and
duties.

§ 3. The assessors shall discharge and perform the duties required of them by this act, and, in addition, those which may be required of them by the trustees of said village and not inconsistent with their office, and shall receive such compensation for their services as the trustees may allow, not exceeding the compensation allowed to town assessors for similar services.

Street com-

§ 4. It shall be the duty of the street commissioner, under the di-

* So in the original.

rection and control of the trustees of said village, to make and keep in repair all streets, highways, gutters, crosswalks, sewers, ditches and sluices in the village, and to grade and regrade all sidewalks therein, and to do or cause to be done all labor necessary for such purposes. Said commissioner shall, on or before the tenth day of May in each year, deliver to one of the assessors of the village a list, subscribed by him, containing the names of all the male inhabitants of said village of the age of twenty-one years and upward.

Commissioner,
his duties.

Delivery of
list of
electors to
assessors.

§ 5. The street commissioner shall be entitled to receive for his services such sum as the trustees shall direct, not exceeding two dollars per day for every day actually spent in the performance and discharge of his duties, as in this act provided, to be paid out of the highway fund.

Compensation,
and
how paid.

§ 6. The collector shall exercise and perform all the powers and duties required of him by this act, and, in addition thereto, such others as may be prescribed by the trustees and not inconsistent with his office, and shall receive therefor the compensation hereinbefore allowed.

Collector,
his powers
and duties.

§ 7. The police constables shall have the same power and authority in criminal cases, and be subject to the same liabilities and obligations, as constables elected in any of the towns of Saratoga county, and, in addition to said authority, the powers conferred upon them by this act. It shall be their duty to obey such orders as they may from time to time receive from the president or trustees of said village regarding their duty; to report to the president all violations of the corporation ordinances, by-laws, rules and regulations, with the names and residences of the witnesses; to preserve the public peace; to be vigilant for the prevention and discovery of crime, and the detection of criminals; to report to the president all crimes and offenses committed in the village; to arrest all persons in the actual commission of crime, misdemeanors, breaches of the peace, or violation of corporation ordinances or by-laws; to execute all criminal process issued by any officer authorized to issue the same; to execute all civil process authorized by this act, or the by-laws, ordinances, rules and regulations of the trustees; to report to the president all suspicious persons, houses of ill-fame, gaming-houses, and all other places where idlers, tipplers, gamblers and other disorderly and suspicious persons congregate, and to perform such other duties from time to time as the president or trustees may direct. They shall take into their custody any and all persons intoxicated, and keep him, her or them in a proper place provided by said trustees; and any person so arrested shall be immediately reported to, and, upon his becoming sober, brought before any justice authorized to act, who shall enter the fact and cause of arrest in a book to be kept by him, and shall pay the fines and penalties provided in this act, and in the ordinances and by-laws of the village to the treasurer of said village, who shall credit the same to the general fund. Said constables shall be entitled to receive of the village, towns and county, the same fees and in the same manner that constables in towns are entitled to receive for similar services; provided, that fees for all services, civil and criminal, rendered by said constables, or any constable, for said village, shall be audited, allowed and paid from the general fund, in the manner provided in this act for the payment of other claims against said village.

Police constables,
their
duties,
powers
and liabilities.

Fees for
services.

§ 8. Any justice of the peace of the town in which said village, or any part thereof, is situated, and residing in said village, shall have jurisdiction, and it is hereby expressly made their duty to exercise such jurisdiction, in all cases arising under this act, or the by-laws, ordi-

Jurisdiction
of
town justice
under
charter.

Imposition
of fines and
penalties.

Fees for
services.

Fire
warden.

Pound-
master.

Powers of
trustees to
make ar-
rests with-
out pro-
cess.

Committ-
ments for
non-pay-
ment of
fines.

Committ-
ment of
persons
accused of
crime.
Keeper of
lock-up.

Chief and
assistant
engineers,
duties and
powers of.

nances, rules and regulations of the village, and to proceed to the trial and punishment of all offenders, according to the provisions and practice of the laws of this state. It shall be their duty, and they are expressly enjoined, to impose the punishments, fines and penalties provided and declared in said act, by-laws, ordinances, rules or regulations, in all cases of violation. In all civil and criminal prosecutions arising under this act or under the by-laws, ordinances, rules and regulations aforesaid, the said justices of the peace shall have full and entire jurisdiction, and shall be entitled to receive the same fees for services rendered under this act or under said by-laws, ordinances, rules and regulations, as justices of the peace of towns are entitled to, in other civil and criminal cases, which shall be audited, allowed and paid from the general fund in the manner provided in this act for the payment of other claims against said village.

§ 9. The fire warden shall exercise and perform the powers and duties required of him by this act, and such other duties as may be prescribed by the trustees of said village, and shall receive for said services such compensation as the trustees may allow.

§ 10. The poundmaster shall perform all the duties required of him by the trustees of said village, and shall receive therefor such compensation as the trustees may prescribe.

§ 11. The president and trustees for the time being shall be, ex officio, police constables, and shall have power, without process, to arrest and bring forthwith before any justice mentioned in section eight of this title, any person or persons guilty in his or their presence of violating any provision of this act, or any by-law, ordinance, rule or regulation of said village, or disturbing the peace thereof.

§ 12. In case of a conviction for the violation of any of the provisions of this act, or of any village by-law, ordinance, rule or regulation punishable by fine, and in all cases where a fine shall be imposed in pursuance of any provision of this act, or of any by-law, ordinance, rule or regulation of said village, the justice or court before whom such conviction shall be had, and the justice or court who shall impose such fine, may, in case of the non-payment thereof, in addition to the modes herein prescribed for collecting such fines commit the person or persons refusing or neglecting to pay such fine to the village lock-up, or to the common jail of Saratoga county, for a term not to exceed thirty days.

§ 13. Any justice of the peace mentioned in said section eight of this title may commit to be confined in said lock-up any person for safe-keeping who may be brought before him charged with crime, pending the examination or trial of such person, or during any adjournment for the purpose of procuring testimony, or otherwise, not exceeding five days; and the trustees of said village may appoint a competent person to take charge of said lock-up, with such compensation as they may determine for the care of the same, and for the board and care of persons detained therein. Persons accused of crime not committed within said village may be committed for examination, or temporarily detained, in said lock-up by any officer, by and with the consent of the trustees of said village.

§ 14. The chief engineer of the fire department, and in his absence, the assistant engineer, shall have the direction, management and control of the fire department, and of all steamers, fire engines, hose carts, hose, hooks, ladders and other fire apparatus, and of all fire, hose and hook and ladder companies, and of all engine-houses, at all times, subject to such regulations and restrictions as shall be pre-

scribed by the board of trustees in said village. And said chief engineer and assistant are hereby invested with such other powers and authority, not inconsistent with their respective offices, as said board shall from time to time prescribe.

§ 15. No debt or liability beyond the income of the current year shall be incurred or created by said village, or by any board or officer thereof. A willful violation of this section is hereby declared a misdemeanor. When the raising of any money by vote of the qualified electors as provided by law has been voted, the amount may be borrowed, or a liability by contract for the purpose for which such money has been voted may be incurred, not exceeding the sum so voted, until the amount can be raised by tax. Incurring of debts or liabilities.

§ 16. Upon the petition in writing of not less than twenty-five electors of the village, who also shall be taxpayers thereof, the board of trustees shall determine, by resolution to be entered in the records of the board, whether a police justice should be elected for said village; and if such determination shall be in favor thereof, said board shall call a special meeting of the taxpayers of the village in the same manner, and upon the same notice, provided in section three, title three, of this act. The notice also shall state that the purpose of such meeting is to determine whether a police justice should be elected for said village. The vote thereon shall be taken by ballot, which shall have on the inside the words "For a police justice" or "Against a police justice," and the polls shall be opened at twelve o'clock, noon, and closed at three o'clock in the afternoon of the same day. The trustees of the village shall be the inspectors at all such meetings, and in their absence the electors may appoint inspectors as provided in section seven, title second, of this act. The clerk of the village shall be the clerk of the poll, and in his absence the inspectors may appoint an elector of the village to act in his stead. The inspectors shall certify the result in substantially the same manner and form required at annual elections, which certificate shall be recorded in the records of said board; and if the result of said meeting shall be in favor of electing a police justice for said village a copy of said certificate duly certified by the village clerk under his hand and the seal of said village, and acknowledged by him, shall be recorded in the office of the clerk of Saratoga county, together with a copy of said determination of the board of trustees, certified and acknowledged as aforesaid. If a majority of the taxpayers voting at such meeting shall vote in favor of electing a police justice for said village, the electors thereof, may, at the next annual election, or at a special election to be called for the purpose, and to be conducted in the same manner and to be held upon the same notice, as the annual election, elect a police justice for said village, who must be a resident elector thereof; and thereafter a police justice must be elected in said village at the annual election next preceding the expiration of a regular term, or at the next annual election after a vacancy, on the same ticket with the other elective village officers. A vacancy in said office must be filled by appointment by the board of trustees as soon as may be after such vacancy occurs. Police justice, determination of election of.
Special meeting of tax-payers.
How held and conducted.
Certificate of result.
Election of justice upon favorable vote.
Annual election thereafter.
Vacancy.

§ 17. A police justice elected or appointed as prescribed in the last preceding section must, before entering upon the duties of his office, and within ten days after receiving notice from the village clerk of his election or appointment, take and subscribe before any justice of the peace or notary public residing in said village the constitutional oath of office, and file the same with said clerk, together with a bond with such sureties and in such amount as shall be approved by

the board of trustees of the village conditioned for the faithful performance of his official duties, and that he will duly account for and pay over all moneys received by him in his official capacity.

Term of
office.

§ 18. A police justice elected or appointed as prescribed in section sixteen of this title shall hold his office as follows:

1. If elected at the first election held after the creation of the office, he must enter upon the duties of his office immediately upon qualifying, as prescribed in the last preceding section, and may hold his office until and including the thirty-first day of December of the third year succeeding his election.

2. If elected at any subsequent election, except as prescribed in subdivision three of this section, he must enter upon the duties of his office on the first day of January succeeding his election, and may hold his office for three years;

3. If elected to fill a vacancy, he must enter upon the duties of his office immediately after qualifying, as prescribed in the last preceding section, and may hold his office for the unexpired term;

4. If appointed, he must enter upon the duties of his office immediately after qualifying, as prescribed in the last preceding section, and may hold his office until his successor is elected and qualifies.

Annual
salary.

§ 19. The police justice can not retain to his own use any costs or fees, but may receive for his services an annual salary to be fixed by the board of trustees; provided that the amount thereof shall not exceed the sum of three hundred dollars; and such salary shall not be increased or diminished during his term of office.

Powers and
jurisdiction.

§ 20. A police justice elected or appointed as prescribed in section sixteen of this title, shall have such jurisdiction, power and authority as are, or hereafter may be specially conferred upon police justices by the general laws of this state; and in addition thereto such police justice shall have the jurisdiction, civil and criminal, and the power and authority, conferred upon certain justices of the peace in and by section eight of this title, and shall discharge the duties therein imposed upon said justices of the peace; which jurisdiction, power and authority shall be exclusive in such police justice, except during his sickness, absence from the village, disability or inability to act, and during a vacancy in said office. And such police justice is hereby invested with all other jurisdiction, powers and authority in this act conferred upon justices of the peace, or upon such officers residing in said village.

TITLE VIII.

MISCELLANEOUS PROVISIONS.

Competency of
inhabitants as
jurors, etc.

SECTION 1. No person shall be an incompetent judge, justice, witness, juror or commissioner by reason of his being an inhabitant or taxpayer in said village, in any action or proceeding in which said village is interested.

Resignations.

§ 2. All resignations of officers under this act shall be made to the trustees, subject to their acceptance.

Penalty for
refusal to
deliver
books,
etc., to
successor.

§ 3. If any person, having been an officer in said village, shall not within ten days after notification and request, deliver to his successor in office all the books, papers, property and effects of every kind and description in his possession or under his control, belonging to said village or appertaining to his office, he shall forfeit and pay for the use of said village, fifty dollars besides all damages caused by his neglect or refusal so to deliver.

§ 4. The several persons elected to office in said village, and who shall be holding office at the time of the passage of this act, except the police justice and clerk of the village, shall continue to hold and discharge the duties of such offices respectively, for and during the term for which they were so elected; and the several persons who have been appointed to any office in said village, except street commissioners, shall continue to hold and perform the duties of such offices respectively, for and during the term for which they were so appointed, unless sooner removed; and the several persons who have been appointed commissioners of deeds for said village, and who shall be holding such office at the time of the passage of this act, shall continue to hold and discharge the duties of such office for and during the time for which they were so appointed; and the provisions of this act shall be applicable to all of said officers so elected or appointed.

Terms of
present
officers

§ 5. All actions brought to recover any fine, penalty or forfeiture under this act, or the ordinances, by-laws, rules or regulations adopted by the board of trustees, shall be brought in the corporate name of said village, and in such action it shall be lawful and sufficient to declare or complain generally for such fine, penalty or forfeiture, stating the section of this act or by-law, ordinance, rule or regulation, under which the fine, penalty or forfeiture is claimed, and to give the special matter in evidence. The defendant may plead or answer, denying generally the allegations declared or complained of, and give the special matter in evidence also. The first process in any such action may be by summons or warrant.

Actions to
recover
fines, etc.,
how
brought,
etc.

§ 6. All fines, penalties and forfeitures, and all moneys received for licenses shall be paid to the treasurer of said village, and shall be credited to the general fund, except the fines mentioned in section twelve, title six of this act, which shall be credited to the highway fund. The sheriff of the county of Saratoga shall pay all moneys received by him for fines, penalties and forfeitures under this act, or the by-laws, ordinances, rules and regulations adopted by the board of trustees, to the treasurer of said village.

Fines,
licenses,
fees, etc.,
payable to
treasurer.

§ 7. The existing by-laws, ordinances, rules and regulations adopted by the board of trustees of the village of Mechanicville, not inconsistent with this act, shall be and continue in force and have the same force and effect as if duly adopted by the board of trustees of said village created by this act, and duly published and posted as required by law, until the same shall be altered, amended or repealed by said last-mentioned board.

Existing
ordi-
nances,
etc., con-
tinued.

§ 8. Chapter seven hundred and eighty-six, laws of eighteen hundred and seventy; chapter eight hundred and thirteen, laws of eighteen hundred and seventy-one; and chapter three hundred and ninety-six, laws of eighteen hundred and eighty-seven, relating to said village of Mechanicville as a corporation, and which are charters of the same or amendments to such charter, are hereby repealed. But such repeal shall not affect any right vested or established, or any suit, proceeding or prosecution had or commenced, or any assessment commenced or made, or the tax to be collected thereunder, previous to the passage of this act; but every such right, suit or prosecution, assessment and collection of taxes thereunder shall remain as valid and effectual, and continue the same, as if such previous acts had remained in force; and said vill estates, real and personal, vested in or belonging to the village of Mechanicville when this act shall take effect, shall continue to be vested in the village and belong to said village created by this act.

Laws re-
pealed.

Proviso as
to vested
rights, etc.

§ 9. If this act shall become a law previous to the day of holding Election

notice,
deemed
effectual.

the annual election in the year eighteen hundred and ninety-one in said village existing at the time of the passage of this act, and notice of such election shall then have been published and posted as required by the charter of said village, such notice shall be deemed as effectual for all purposes, and of the same force and effect, as if given under and as required by this act; and such election shall be held and conducted as provided herein.

Compensation of inspectors and poll clerks.

§ 10. After said village shall be divided into two or more election districts, the inspectors of election and poll clerks officiating at elections held to elect village officers, shall receive for their services the same compensation allowed to such officers in towns.

Inspectors and poll clerk at meetings of taxpayers.

§ 11. The trustees of said village shall be inspectors of election, and the clerk of the village shall be the clerk of the poll, at all meetings of electors held pursuant to this act to vote upon any proposition, matter or thing, except at meetings held to elect village officers after said village shall be divided into two or more election districts.

Pay of trustees.

§ 12. The president and trustees shall not receive any compensation for their services under this act.

"Taxpayer" defined.

§ 13. Whenever the word "taxpayers" occurs in this act, it shall be construed to mean electors of said village who were assessed for real or personal property on the last assessment-roll of said village.

Excess of funds.

§ 14. If, in any year, it shall appear to the board of trustees of said village that the moneys of the highway fund, or the general fund, are more than sufficient to meet all the probable demands on such fund for the current year, said board may call a special meeting of the taxpayers of the village, in the same manner, and on the same notice prescribed in section three, title three of this act, for authority to expend the excess of such fund for any lawful village purpose or purposes; which notice shall also state the amount of the excess of such fund and the purpose for which it is proposed to expend it. If a majority of the taxpayers, voting at such meeting, shall vote in favor of such expenditure, the trustees may expend such excess for the purpose and purposes aforesaid. The polls shall be open at twelve o'clock, noon, and closed at three o'clock in the afternoon. The vote shall be taken by ballot, which shall have on the inside the words "For the expenditure" or "Against the expenditure."

Special meeting for authority to expend same.

How conducted.

§ 15. Vacancies in the office of trustees of the third ward in said village are hereby declared, which vacancies may be filled as provided in this act for filling vacancies in elective officers;* provided, that if, upon the passage of this act, one or both of the trustees of the second ward in said village, as created and defined by chapter seven hundred and eighty-six, laws of eighteen hundred and seventy, shall reside in the third ward as created and defined by this act, said trustee or trustees shall be deemed trustee or trustees, as the case may be, for said third ward, and shall continue to hold and act as such during the time for which he or they were elected. In such case a vacancy in the office of trustee or trustees, as the case may be, for the second ward, as created and defined by this act, is hereby declared, which vacancy may be filled as provided in this act for filling vacancies in elective offices.

Vacancies in offices of trustees of third ward.

Appointments of officers, when made.

§ 16. All officers of said village, except police constables, who hold their offices by appointment, shall be appointed on or before the fifteenth day of April in each year; provided, that in the year in which this act shall take effect, the street commissioner and village clerk

* So in the original.

shall be appointed within ten days after this act becomes a law. Police constables may deem advisable, or necessity may require, and for such length of time, not beyond the current year, as said board may determine, subject to removal, as in this act provided. Police constables appointed on special occasions, to do police duty only, shall not be required to execute or file bonds. Police constables.

§ 17. Whenever any real estate in said village shall be owned by two or more parties, jointly or as tenants in common, a notice served on any one of them, shall be a sufficient notice for any purpose requiring notice under this act. Service of notice upon joint-tenants.

§ 18. The trustees shall have power and authority to appoint for said village, commissioners of deeds, not to exceed eight in number, who shall possess the same powers in the county of Saratoga as are conferred by law upon commissioners of deeds for cities, and be entitled to the same fees for services performed by them. Commissioners of deeds.

§ 19. The said commissioners shall be appointed by the board of trustees of said village, and a certificate of such appointment, attested by the clerk under the corporate seal of said village, shall be filed with the clerk of the county of Saratoga; and the oath of office of said commissioners shall be taken before, and be filed with the said county clerk, and they shall hold their offices for four years, and until others shall be appointed in their places. Certificates of appointments.
Oaths of office.

§ 20. Any vacancy in said office shall be supplied by the board of trustees of said village, and the person appointed to fill such vacancy, shall serve out the residue of the unexpired term of the commissioner in whose place he shall be appointed. Vacancies in office.

§ 21. All taxes levied by virtue of this act, shall be a lien upon the real estate upon which they shall be assessed; and, in addition to the modes in this act prescribed for enforcing the collection of said taxes, and in addition to the modes prescribed in this act for enforcing and satisfying the liens created by virtue of this act, the president of said village may collect, enforce and satisfy the same, by action in any court having jurisdiction. In all actions and proceedings by or against said village, costs shall be awarded as in other cases. Taxes liens upon lands.
Liens, how enforced.

§ 22. No person entitled to vote at any election held under this act shall be arrested on civil process, within said village, on the day on which said election is held. Freedom from arrest on election day.

§ 23. Every person elected or appointed to any office under this act, who shall be sued for any act done or omitted to be done in virtue of his office, and who shall have final judgment rendered in his favor, whereby he shall be entitled to costs, shall recover double costs, as defined in the Revised Statutes. Double costs to officers upon favorable judgment.

§ 24. All the laws of this state in relation to the challenging of persons offering their votes at a general election of state officers, and the same proceedings as are had thereon, or shall be provided by law in relation thereto, shall be applicable to persons offering to vote at village elections, so far as the same can be applied, including the fines, penalties and punishment for a violation of said laws. Challenges at elections, laws applicable to.

§ 25. The word "streets," as used in this act, or in any by-law of said village, shall be deemed to include and comprehend all public ways in the village; provided that nothing in this section or act contained shall be deemed to create a public way where one does not already exist. Terms used in act defined.

§ 26. The term "person" or "persons" in this act, or in any by-law of said village shall be deemed to include all corporations as well as natural persons.

§ 27. Whenever the word "trustees" occurs in this act it shall be construed to mean the board of trustees of said village, except as in this act otherwise provided, and when not inconsistent with or repugnant to any provision thereof.

Construction of act. § 28. This act is hereby declared to be a public act, and all courts and tribunals shall be bound to take judicial notice of the same, and of all the provisions thereof.

§ 29. This act shall take effect immediately.

CHAP. 107.

AN ACT to provide for the construction of fish-ways in the dams across Cattaraugus creek and its tributaries.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, March 30, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Construction of fish-ways.

SECTION 1. It shall be the duty of the superintendent of public works of this state to cause to be constructed and maintained in proper manner, in all the dams across Cattaraugus creek and its tributaries, in such manner as not to injure said dams, fishways of suitable depth, and so constructed as to allow all fish endeavoring to migrate to the waters of Lime lake, Fish lake, Beaver lake, Skin lake, and Java lake, above said dams to pass over the same. Said fishways shall be placed at an angle of not more than thirty degrees, and extend entirely to the running water below the dams, and shall be built upon plans to be approved by the commission of fisheries of this state.

Appropriation.

§ 2. The sum of four thousand dollars or so much thereof as necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, to build said fishways, to be paid to the superintendent of public works upon the warrant of the comptroller.

§ 3. This act shall take effect immediately.

CHAP. 108.

AN ACT to make the office of sheriff of Erie county a salaried office, in part, and regulating the management of said office.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, March 30, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Salary of sheriff.

SECTION 1. After the expiration of the term of the present sheriff of the county of Erie, the sheriff of that county shall receive as compensation for his services as hereinafter enumerated an annual salary to be fixed by the board of supervisors of said county prior to the election of every such sheriff; but the salary so fixed shall not be less than four thousand dollars nor exceed five thousand dollars per annum, and shall not be increased or diminished during the term for which any such sheriff shall have been elected.

§ 2. The salary so fixed by said board of supervisors shall constitute the whole compensation which shall be allowed or paid to or received by said sheriff for all the official services performed by him or required to be performed by him as sheriff in his attendance upon any and all courts of record held in the county of Erie and for all services performed by him for the United States, the state of New York, or for the county of Erie, or chargeable thereto or which he is or shall be required or authorized by law to perform by virtue of his office as such sheriff, and no compensation, payment or allowance shall be made to him for his own use for any of such services except the salary aforesaid.

To constitute compensation for services enumerated.

§ 3. All the fees, emoluments and perquisites which such sheriff shall charge or receive, or which he shall legally be authorized, required or entitled to charge or to receive for conveying prisoners to state institutions, and for which the state pays a fee; for services upon the general term of the supreme court, and all other services performed for the state for which the state pays a fee; and for the board, custody or care of United States prisoners or otherwise shall belong to the county of Erie. It shall be the duty of said sheriff to exact, collect and receive the full amount allowed by law for all such fees, emoluments and perquisites for said county.

Fees to belong to county.

Collection of fees.

§ 4. Such sheriff shall keep in his office in a proper book or books to be provided for that purpose, an exact and true account of all such official services performed by him and required to be performed by him as sheriff, and of all fees, perquisites and emoluments received or chargeable by him pursuant to law; such book or books shall show when and for whom every such service shall have been performed, its nature, and the fees chargeable therefor, and shall at all times during office hours be open to the inspection of any person.

Books to be kept.

Open to inspection.

§ 5. Such sheriff shall transmit to the treasurer of said county for each calendar month, and within five days from the expiration thereof, a statement of all moneys received by him for fees, perquisites and emoluments for all services rendered by him in his official capacity as aforesaid, since making the last preceding statement, which statement shall be verified to the effect that the same is in all respects a full and true statement as herein required, which affidavit shall be positive, and not upon information and belief, and said sheriff shall at the same time pay over to the treasurer of the county of Erie, for the benefit of said county, the whole amount of the moneys so received by him since making the last preceding report.

Monthly statement of fees.

Affidavit thereto.

§ 6. Every such sheriff, before entering upon the duties of his office shall execute to the county of Erie and file with the treasurer of said county a bond, in addition to any other bond now required by law, in the penal sum of five thousand dollars, with sufficient sureties to be approved by the county judge of Erie county, conditioned that he will well and faithfully perform the duties devolving upon him, and pay over to said treasurer as herein provided all moneys which shall come into his hands as herein provided.

Official bond of sheriff.

§ 7. The jail of the county shall be kept by the sheriff, as now required by law. All furniture, implements, materials and supplies of whatever nature, necessary for the custody and maintenance of the prisoners and persons detained within said jail, shall be furnished at the expense of the county by the supervisors' purchasing and auditing committee, created and existing under chapter one hundred and three of the laws of eighteen hundred and eighty-three and the acts amendatory thereof, and the provisions of said act or acts are hereby extended

Supplies, etc., for prisoners, how furnished.

to said office of sheriff of Erie county, so far as the case is applicable thereto.

Jailer and
employees
in jail.

§ 8. The said board of supervisors shall designate the number of employes and the sheriff shall appoint the jailer, turnkey and the assistants employed in said jail for the care and control of the prisoners detained therein; said sheriff shall be responsible for their official acts, and the salaries of said employes shall be fixed by the board of supervisors and paid by the county in the same manner as the salaries of other county officers are paid.

Salaries.

Fees in
civil causes
allowed
sheriff.

§ 9. The said sheriff shall be entitled, in addition to the salary above specified, to charge, take and receive the fees now allowed him by law in civil causes or proceedings and paid by litigants or individuals as and for his compensation for such service and disbursements rendered therein, and liabilities thereunder, and the services of the under-sheriff and other employes of his office in such cases and proceedings.

Disburse-
ments by
sheriff.

§ 10. The said sheriff shall also be allowed and entitled to receive the necessary and actual disbursements incurred by him in the discharge of the duties designated in section two of this act, or in performing any service for which the county receives, or is entitled to receive the fees therefor under this act which said disbursements shall be audited and allowed by the board of supervisors as other claims against the county are audited and allowed.

Services of
deputies,
how paid
for.

§ 11. The services of deputy sheriffs in attendance upon the terms of the courts, and for services for subpoenaing witnesses and serving warrants in criminal proceedings, shall be paid for at and after the same rate as now allowed by law for such services; except that where such deputy is a regular employe of the sheriff's department, and under a salary from him or from the county, he shall only be entitled to charge and receive the actual disbursements incurred by him to be audited and allowed as provided in the last preceding section.

Penalty for
neglect to
account
for fees,
etc.

§ 12. Any officer referred to in this act who shall receive to his own use, or for the use of another, any fee, perquisite or emolument, contrary to the provisions of this act, or shall neglect to account for any such fee, perquisite or emolument by this act declared to belong to the county of Erie, as required by this act, shall be deemed guilty of a misdemeanor, and shall be liable to said county in a civil action for all moneys so received, or received for the use of the county and not accounted for and paid over to the treasurer pursuant to the requirements of this act.

Repeal.

§ 13. All acts or parts of acts inconsistent herewith, are hereby repealed.

CHAP. 109.

AN ACT to reappropriate money for additions to the normal and training school at Cortland, as provided in chapter two hundred and seventy of the laws of eighteen hundred and eighty-eight.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, March 30, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The sum of six thousand three hundred fifty-three dollars and fifty-two cents, being the unexpended balance of ten thousand dollars appropriated by chapter two hundred and seventy of the laws of eighteen hundred and eighty-eight, for the normal and training school at Cortland, to be expended in building stone walks upon the ground ; extending the gas fixtures, plumbing, sewerage and steam pipes ; in repairing and painting the rooms and roofs of the building ; for furniture, books, for apparatus and printing a catalogue of the library ; and for constructing a system of ventilation for the school rooms, is hereby reappropriated in payment of the expense of said work and repairs.

Reappropriation for work and repairs.

§ 2. This act shall take effect immediately.

CHAP. 110.

AN ACT to amend chapter two hundred and forty-eight of the laws of eighteen hundred and eighty-three, entitled "An act to revise and amend the charter of the village of Flushing in Queens county."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, March 30, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section three of title two of chapter two hundred and forty-eight of the laws of eighteen hundred and eighty-three, entitled "An act to revise and amend the charter of the village of Flushing in Queens county," is hereby amended so as to read as follows:

Village charter amended.

§ 3. The annual election shall be held on the first Monday of December in each year from the hour of twelve o'clock, noon, until eight o'clock, in the afternoon, during all of which time the poll or polls shall be open. Notice of all elections of trustees shall be given by the board of trustees of said village by publishing the same in two or more newspapers published in said village at least fourteen days before the time fixed for the election, and by posting the same in at least six public and conspicuous places in the village, in which notice shall be designated the place or places in the village where the poll or polls will be held, the day and hours of holding the election, and the number of trustees to be chosen. At any time prior to the first day of October in any year the board of trustees may, by resolution, provide

Annual election.

Notices of election.

Election districts.

for the division of said village into election districts not exceeding three, designating the boundaries thereof, or may change the boundaries of existing election districts, as they shall deem best for the convenience of the electors. In case the said village shall be so divided into election districts, the notices of election to be published and posted as above provided shall contain a statement of the boundaries of such districts. Any resolution of said board establishing or changing the boundaries of election districts shall continue in force for all future elections until the same shall have been repealed or modified. In case the said village shall be divided into election districts, as above provided, the board of trustees shall, prior to any annual election, appoint two electors of the village for each district, who, together with the trustees whose terms of office do not expire in the current year, shall be the inspectors of election. The said board of trustees may also appoint such poll clerks as may be necessary for each district. At least one of the said inspectors of election shall be present at each polling place during the time when the polls shall be open. But if no inspector shall be present at the time appointed for opening the polls, the electors then and there present may by majority vote choose two of their number who shall act as such inspectors; and in case of the absence at such time of any poll clerks, the inspectors shall fill such vacancy. Immediately after the closing of the polls, the inspectors shall proceed then and there publicly to canvass the votes polled, shall openly declare the result, shall make and subscribe a certificate thereof, which shall show the whole number of votes cast, and the number given for each person voted for, which certificate shall be filed with the village clerk within twenty-four hours after the closing of the polls. In case the village shall have been divided into election districts as above provided, the village clerk shall, immediately upon the filing of the said certificates, ascertain therefrom the total number of votes cast for each person voted for, and shall file in his office a certificate thereof. The persons qualified to serve as trustees who shall appear thereby to have received the greatest number of votes shall be deemed elected; but if it shall be necessary to determine between two candidates by reason of their having received an equal number of votes, such determination shall be made by the board of trustees by lot, within one week after the election. This section shall also, as far as applicable, apply to all special elections which shall be held in said village, excepting only that at such special elections all the trustees of the village shall be qualified to act as inspectors, and no additional inspectors shall be appointed.

§ 2. This act shall take effect immediately.

CHAP. 111.

AN ACT to provide for the application and distribution of receipts from premiums collected and to be collected from foreign fire insurance companies doing business in the state of New York, under and pursuant to chapter six hundred and four of the laws of eighteen hundred and eighty-six, on insurance on property in the town of Flatbush, Long Island.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, March 30, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The corporation known as "the Volunteer Firemen's Association of Flatbush, Long Island," shall be entitled to receive, and there shall be paid to it, all moneys now or hereafter collected from the percentage or tax on the receipts of foreign insurance companies from premiums on insurance on property in the town of Flatbush, Long Island, as provided by chapter six hundred and four of the laws of eighteen * and eighty-six, and all returns and undertakings in respect to said tax on said premiums on insurance on property in said town required pursuant to the provisions of said chapter, shall be paid to the treasurer of said corporation. The said corporation shall appropriate and apply fifty per centum of the moneys so collected and hereafter to be collected to the uses and purposes of said corporation as defined and provided in its certificate of incorporation; namely; to visit and provide for sick and distressed members, to bury deceased members and protect and provide for the widows and orphans of deceased members of said corporation. The said corporation shall appropriate and apply fifty per centum of the moneys so collected and hereafter to be collected to provide for sick and distressed members of the volunteer fire department in active service, to bury members of the volunteer fire department whose decease shall be a direct result from sickness or injury received while in the discharge of active fire duty, and to provide for the widows and orphans of members of the volunteer fire department, now and hereafter. The said corporation, the "Volunteer Firemen's Association, of Flatbush, Long Island," may maintain in its corporate name any action or actions in any court of this state to recover the tax required by this act to be paid to said corporation, and also to recover for the breach of any undertaking which has been or may be given in respect thereto pursuant to the provisions of chapter six hundred and four of the laws of eighteen hundred and eighty-six, or any penalty imposed thereby.

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

Corporation entitled to moneys collected.

Returns, etc., to whom made.

Moneys collected, how appropriated.

Actions to recover tax or breach of undertaking.

*So in the original.

CHAP. 112.

AN ACT to amend section thirteen hundred and ninety of the Code of Civil Procedure, relative to property exempt from execution.

APPROVED by the Governor March 30, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirteen hundred and ninety of the Code of Civil Procedure is hereby amended so as to read as follows:

Articles
owned by
house-
holders,
certain,
exempt
from exe-
cutions.

§ 1390. The following personal property, when owned by a householder, is exempt from levy and sale by virtue of an execution, and each movable article thereof continues to be so exempt, while the family, or any of them, are removing from one residence to another:

1. All spinning wheels, weaving looms, and stoves, put up or kept for use in a dwelling-house; and one sewing machine with its appurtenances.

2. The family bible, family pictures and school books, used by or in the family; and other books, not exceeding in value fifty dollars, kept and used as part of the family library.

3. A seat or pew, occupied by the judgment debtor or the family, in a place of public worship.

4. Ten sheep, with their fleeces, and the yarn or cloth manufactured therefrom; one cow; two swine; the necessary food for those animals; all necessary meat, fish, flour, groceries, and vegetables, actually provided for family use, and necessary fuel, oil and candles, for the use of the family for sixty days.

5. All wearing apparel, beds, bedsteads and bedding, necessary for the judgment debtor and the family; all necessary cooking utensils; one table; six chairs; six knives; six forks; six spoons; six plates; six tea cups; six saucers; one sugar dish; one milk pot; one tea pot; one crane and its appendages; one pair of andirons; one coalscuttle; one shovel; one pair of tongs; one lamp and one candlestick.

6. The tools and implements of a mechanic, necessary to the carrying on of his trade, not exceeding in value twenty-five dollars.

Act, when
to take
effect.

§ 2. This act shall take effect on the first day of September, eighteen hundred and ninety-one.

CHAP. 113.

AN ACT to provide for restoring and protecting the channel of Moyer creek in the village of Frankfort, county of Herkimer.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, March 31, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Duty of
superin-
tendent of
public
works.

SECTION 1. The superintendent of public works is hereby authorized and directed to make such repairs, and to build such bridge abutments, vertical or slope walls, docking, dam or dams, as may be needed to restore such portion of the channel of Moyer creek in the

village of Frankfort, county of Herkimer, as lies north of the Erie canal, to the limits of lands owned by the state of New York, and to protect the banks of said portion of said creek from danger of being washed away. The said superintendent of public works is also authorized and directed to repair and restore the highway bridge over said creek and to take such steps as may be necessary to repair such damages to private property as have been done by the washing away of the banks of the afore mentioned portion of said creek. The said superintendent of public works is also authorized and directed to build on such portion of said Moyer creek south of the Erie canal as lies within the limits of the lands of the state of New York, such walls and embankments as in his opinion are necessary to protect the sides of the same from being washed away.

§ 2. All work done in pursuance of this act shall be on plans and specifications prepared and approved by the state engineer and surveyor. Plans and specifications.

§ 3. The sum of twenty thousand dollars or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, to carry into effect the provisions of this act, which amount shall be paid by the treasurer on the warrant of the comptroller and the requisition of the superintendent of public works as he may require the same in the progress of the work. Appropriation.

§ 4. This act shall take effect immediately.

CHAP. 114.

AN ACT to authorize and provide for the construction of a sewer, drain and ditch in the ninth and fifteenth wards of the city of Rochester, and in the towns of Gates and Chili, in the county of Monroe.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, March 31, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The county court of Monroe county shall, upon the application of the city attorney of the city of Rochester, appoint three reputable persons, residents within the county of Monroe, one of whom shall be a duly admitted and practicing attorney and counselor-at-law of the supreme court of the state, residing in the city of Rochester, commissioners of drainage and sewerage under this act, and the persons so appointed, are hereby authorized and empowered to lay out and construct a sewer, drain and ditch, of such dimensions, and of such material and in such manner as, in their judgment, shall be proper, from a point in the ninth ward of said city, where the ravine known as Deep Hollow intersects the west bank of the Genesee river, and from thence in a southwesterly direction, following the course of said ravine, as far as practicable, and through the fifteenth ward of said city, into the towns of Gates and Chili, with such lateral drains, ditches and water channels as will drain and provide sewerage for the lands lying within said wards and towns. The said county court shall have the power to remove said commissioners, or either or any of them, or either or any of their successors, at any time, for good cause, after Appointment of commissioners of drainage and sewerage.

Removals for cause.

an opportunity shall have been afforded by said court to the commissioner or commissioners sought to be removed, to answer to such charges, and the said court may take by itself, or refer the same to a reputable counselor-at-law of said court, to take any and all evidence relative to said charges and answer, and said referee may also be empowered to report to said court his opinion upon such evidence, and after such evidence, if any be offered, shall have been taken, and said court shall proceed thereon and make such orders in the matter as may be proper and necessary.

Power to purchase lands and rights of way.

§ 2. Said commissioners shall be known as "commissioners of drainage and sewerage," and they are hereby authorized and empowered to agree for the purchase, and take conveyances for and in their names, as such commissioners any real estate, or right of way in, over or through any real estate, in, through or over which said drains, sewers, ditches and water channels herein authorized to be made shall run, or be constructed.

Official oath.

§ 3. The said commissioners shall, before they enter upon the duties of their office, make and file an oath of office with the county clerk of the county of Monroe, that they will faithfully discharge the duties of their office, according to the best of their knowledge and ability.

Quorum.

A majority of the commissioners present at any meeting, of which all have notice, may exercise the powers of the commission. The commissioners shall, with all convenient speed, after qualifying as herein provided, meet and organize by appointing one of their members chairman, one treasurer and one secretary of the commission, and any two of said offices may be held by the same person. The treasurer shall collect and be the custodian of all moneys to be collected or received by the commissioners under the provisions of this act, and he shall pay out the moneys so received only upon the orders of the commissioners, signed by at least two of their number. The treasurer shall, before he proceeds to collect any of the moneys, give a bond in such an amount and with sufficient sureties to the people of the state of New York as shall be approved by a justice of the supreme court, or by the county judge of Monroe county, conditioned for the faithful performance of the duties of his office, and file the same in said clerk's office. If, at any time, it shall appear that the moneys that shall come into the hands of said treasurer shall exceed one-half of the penalty of the bond or bonds already given, said treasurer shall execute and file, from time to time, an additional bond to the people of the state of New York in an amount and with such sureties as shall be approved, as hereinbefore provided, and any person interested may apply to said justice or judge, upon an affidavit showing the necessity therefor, for an order requiring said treasurer to show cause why an additional bond should not be filed and, upon the service of such order upon said treasurer, he shall not collect any more money until said justice or judge shall determine upon such application. Said judge or justice approving said bond, shall have the right to require the same to be guaranteed by a duly incorporated guaranty company, and, in that event, the reasonable cost and expenses thereof, approved by the judge or justice so approving said bond, shall be added to, and paid as an expense of said commission.

Officers.

Treasurer, his duties.

Official bond.

Additional bond.

Right to require bonds guaranteed by company.

Determination of course of sewer etc.

§ 4. Said commissioners shall proceed, by personal view of the lands and otherwise, to determine the course of said sewers, drains, ditches and water channels and their extent and the lands through which the same shall be constructed, and the several parcels of land to be benefited thereby, and they shall cause an accurate survey of all such

lands, and a map thereof to be made, showing the course and extent of said sewers, drains, ditches and water channels, as determined by them, and showing the several parcels of land that are proposed to be drained, the size of each separate lot or tract to be benefited by such drainage, the names of the owners or occupants thereof, so far as the same can, with reasonable diligence, be ascertained by them, and the relative levels of each tract or parcel of land, and the width, depth, slope of sides, shape and course of such sewers, drains, ditches and water channels, as they shall determine to be necessary for the drainage and sewerage of such lands, and for the purposes of this act said commissioners are hereby authorized and empowered to employ a competent civil engineer and with such assistants as shall, at any time, be deemed necessary by said commissioners to act as such, and such commissioners and said civil engineer are hereby authorized and empowered to enter upon any and all of the lands deemed necessary by such commissioners, and survey the same, and to take levels thereof, and, by themselves, their servants and agents, to do all things for the construction and completion of such sewers, drains, ditches and water channels as they shall deem necessary for the complete drainage and sewerage of the lands so surveyed by them.

Survey and maps of lands.

Civil engineer and assistants.

Right to enter upon lands.

§ 5. The said commissioners shall, upon the completion of said survey and before the construction of said sewers, drains, ditches and water channels, cause a map, or a duplicate thereof, certified by them, with a statement written thereon, signed by them, or a majority of them, that they have determined that the sewers, drains, ditches and water channels laid out upon said map are necessary to drain and sewer the lands specified thereon, and should be opened, or constructed in or through such lands, and that it is necessary for the public health that such lands should be drained and sewerage, to be filed in said clerk's office, and all lands, easements or rights of way in, through or over the same acquired under the terms of this act shall be deemed, and are hereby declared to be, taken for public use, and for the benefit of the public health, and such map, or a duly certified copy thereof, may be used in evidence in any suit or proceeding in this state.

Map and statement to be filed.

§ 6. For the purposes of this act, said commissioners may use and occupy any of the streets, highways, alleys or other public place in said wards and towns, and they may take and appropriate such lands, and such real estate, as they may deem proper for such purpose. In case said commissioners shall be unable to agree with the owner or owners of any lands or real estate taken by them for the purposes aforesaid, or any right or easement therein, upon the compensation and damage thereof, they may apply to the supreme court, under the "condemnation law," for the acquirement of such titles, easements or rights of way, and all titles, easements and rights of way, although belonging to one or more owners, or affecting one or more parcels of property, may be obtained in one proceeding, under said "condemnation law."

Occupation of streets and taking of lands.

Proceedings for acquirement of titles.

§ 7. The said sewers, drains, ditches and water channels shall be constructed by contract, and said commissioners, as such are hereby authorized and empowered to make all necessary contracts therefor, but where the contract price or amount shall exceed one hundred dollars, the same shall be made only after advertising for, and receiving, proposals, as is hereinafter specified, and where such contract shall exceed one hundred dollars in amount, the same shall be executed in triplicate by a majority of the commissioners, and by the other contracting party, and one copy shall be filed in said

Contracts.

Advertis-
ment for
proposals.

Bond upon
submission
of propo-
sals.

Power to
reject bids.

Contract-
or's bond.

Actions
and pro-
ceedings
thereon.

Issue of
certificates
of indebt-
edness.

Cost and
expenses,
how as-
sessed.

clerk's office, one copy delivered to the contractor, and one copy said commissioners shall retain, and said commissioners shall advertise for proposals for the construction of said sewers, ditches, drains and water channels, and for the furnishing of materials therefor, either under one entire contract, or in sections, or under several contracts, as they shall deem for the best interest of the public. Such advertisement shall be published for fifteen successive days in at least two daily newspapers published in said city of Rochester. Said commissioners shall require of every person submitting a bid or proposal a bond to be submitted therewith, with good and sufficient sureties, and of the amount of said bid or proposal, to the effect that said person or persons will, upon the acceptance of his or their bid, forthwith enter into a contract with such commissioners, as such of the tenor of said bid, and give a good and sufficient bond, or security, to be approved by said commissioners, for the performance thereof. Said commissioners shall have the power to reject any or all bids or proposals, if in their judgment it is expedient so to do, and they may further advertise for proposals as often as they shall deem necessary. They shall require any and all persons with whom they contract, as aforesaid, for the construction of said sewers, drains, ditches and water channels, or any of them, or for furnishing labor and materials, good and sufficient security, to be approved by said commissioners, and in double the amount of the contract price, conditioned for the faithful performance of said contract, and with the further condition that the said contractor will pay all damages and expenses incurred by any person, association, or corporation, by reason of the default or wrongful or negligent act of said contractor, or his agents or servants, in or about the execution of his contract, or by reason of his failure to properly guard any excavation, or obstruction, or to promptly restore to its former condition the surface of any highway or street, or other place, necessarily excavated or obstructed, in the execution of his contract, and will pay, or cause to be paid, the wages and compensation of all laborers who shall be employed in work on or about the improvements mentioned in said contract, whether employed by him or any subcontractor, or employee. Actions and proceedings on such bond or undertaking, shall be brought by, or in the name of, the laborer or laborers, claiming to be secured thereby, or his or their assignee, and separate actions may be brought by each or any number united, of such laborers, or assignees, or one action by all. No action or proceedings shall be commenced in the first instance on such bond or undertaking after six months from the time when the cause of action accrued. Said commissioners are hereby authorized and empowered to issue, as such commissioners, at not less than par, certificates, or evidences of indebtedness, bearing interest at the rate of six per centum per annum in payment of any lands, easements, rights of way, work, materials or other expenses, which certificates, or evidences of indebtedness, shall be payable only after the completion and collection of such assessments, and out of the moneys derived therefrom, and they shall be receivable in payment of such assessments. And for the purpose of paying for such lands, easements, rights of way, materials or other expenses, the said commissioners are hereby authorized to issue and sell, at not less than par, so much of said certificates of indebtedness as shall be necessary to pay the same.

§ 8. Said commissioners shall, after the construction of the sewers, ditches, drains and water channels deemed necessary by them for the purposes aforesaid, and the ascertainment of the cost and expense

thereof and of all of the preliminary work connected therewith, and all of their expenses, including all cost and expenses incurred in any proceedings under this act, and preliminary or incident thereto, and any land damage, as provided in this act, together with any interest paid, or to accrue, on the certificates issued, as hereinafter provided, apportion all of the said sums upon the several tracts or parcels of such lands included in the said map, or adjacent thereto, situated and being within the ninth or fifteenth ward of the city of Rochester, or the town of Gates or town of Chili, in the county of Monroe, and the owners or occupants thereof, if ascertained, as they shall deem to be benefited by such drains, sewers, ditches and water channels in proportion to the amount of benefit which each shall be deemed by said commissioners to receive therefrom, and interest on such sums shall be reckoned to the time when the last installment shall become due and included in said assessment. It shall be sufficient in making said assessment to designate upon the assessment-roll the owners or occupants of the lots and parcels of land intended to be assessed either by name or as unknown, or to describe said several lots and parcels of land by any description by which they may be respectively distinguished thereon, without reference to the owner or occupant. Every assessment so made shall, from the time of the filing of the roll with the said county clerk, be, and remain, a lien and charge upon and against the lands against which it is made, until fully paid, and shall also, create a personal obligation or liability against the owner of the lot or parcel of land assessed to pay to said commissioners the amount of said assessment, for the collection of which, together with interest, cost and expenses, said commissioners may maintain, in their name as "commissioners of drainage and sewerage," an action in any court of competent jurisdiction, in addition to any other remedies herein provided for the collection thereof. Said commissioners, in their discretion, may make said assessments payable in not more than three equal payments, one-third within thirty days, one-third within one year, and the remaining one-third within two years from the time when said roll shall be filed with said clerk as aforesaid. After such assessment shall have been completed, the said commissioners shall meet at some place designated by them, in said city of Rochester, to hear the allegations and objections of all persons interested in the assessments, of which at least ten days' previous notice shall be given by publication in at least four daily newspapers published in said city. The said commissioners shall at the time and place specified in said notice, and at such other times to which they shall from time to time adjourn, hear the allegations and objections of such persons interested in said lands as shall appear before them, and said assessment-roll shall there be open to the examination and inspection of all parties interested, between the hours of nine and twelve in the morning, and two and four in the afternoon, each of whom shall state specifically in writing the grounds upon which he alleges error in said assessment. Said commissioners shall keep a record of the names of the persons who shall appear before them to make allegations and objections in regard to said assessments, and the points upon which each one feels aggrieved in reference thereto, and after such allegations are closed, said commissioners shall proceed to review said assessments, and they are hereby authorized to make such corrections therein as they may deem proper, and they may decrease or increase any assessment theretofore made by them, in such an amount as to them shall seem fair and equitable, and when said roll shall be completed by said commissioners, the same shall be verified

Assessment-roll.

Assessments, liens.

Create personal liability.

Actions for collection thereof.

Installments.

Meeting to hear grievances.

Record of appearances.

Review of assessments.

Verification of completed roll.

by the oaths of the commissioners by whom it is made, to the effect that the same is, in all respect, just and true, to the best of his judgment and belief, and shall be filed in said clerk's office.

Appeals to
supreme
court.

§ 9. Any person deeming himself aggrieved by the assessment made by said commissioners, as provided in section eight of this act, may appeal from the decision of said commissioners to any special term of the supreme court, held in or for said county of Monroe, provided he serves upon said commissioners a notice of appeal therefrom, within ten days after the filing of said roll with said clerk. Said notice of appeal shall contain a full statement of the grounds of appeal relied upon, and such appeal may be brought on for final hearing and determination at any special term held in and for said county of Monroe, and the court shall hear and finally determine such appeal, and it may award costs thereon to the successful party not exceeding fifteen dollars besides his necessary disbursements, to be taxed by the clerk; and if any deductions be made from any assessment or assessments, upon any such appeal or appeals, said commissioners shall proceed to assess the same, including the amount of any fees, costs or expenses allowed, incurred or paid to or by them upon said appeal or appeals, and the making of a new assessment upon the territory assessed in the first assessment in the same manner as is hereinbefore provided in relation to said first assessment.

Notice and
hearing.

Costs.

Deductions from
assess-
ments,
how as-
sessed.

Payment
of install-
ments be-
fore due.

Collection
thereof.

Deduction
of awards.

Discounts
on pay-
ments.

Sale of
lands for
unpaid as-
sessments.

Descrip-
tions and
notice of
sale.

Sale and

§ 10. Any person who is assessed, as hereinbefore provided, may, within the thirty days next before any installment shall become due, pay the amount of said installment to said commissioners, without any fees for the collection thereof, and, at the expiration of said thirty days, said commissioners may issue their warrant for the collection thereof, and proceed to collect all installments then remaining unpaid, including the interest thereon from the time when the last assessment shall become due, with five per centum upon each and every dollar or fractional part of a dollar thereof, for the collection of the same, except that in cases where an appeal has been taken collection of the assessment or assessments appealed from shall not be enforced until thirty days after the service of a notice of the final determination of the court in the case appealed. And, in all cases, where any of the persons so assessed shall have been awarded, or agreed to be paid land damages, such damages shall be deducted from the assessment and only the balance collected, and any person, or any owners of lands, so assessed, who shall make any payments previous to the maturity of said last installment, shall be entitled to a discount at the rate of six per centum per annum, for the period between said date of payment and the date of the maturity of the installment.

§ 11. In case any of said assessment, with the interest and fees, shall not be paid within thirty days after said warrant shall have been issued, the said commissioners shall at any time proceed to make a proper description of the land on which such unpaid assessments are severally made, and they shall cause the assessment and descriptions to be published for six successive weeks in two or more newspapers published in said city of Rochester, together with a notice that if said assessments, interest and fees are not paid, with the expenses of advertising, on or before a day to be therein named, which shall not be less than six weeks from the first publication thereof, the lands so described will be sold at public auction, on the day and at the hour and place named in said notice, to the person or persons who will take them for the shortest period of time, and pay the assessments and expenses incurred therein, with interest. On the day designated or on

such other day to which said sale may be adjourned, the said premises shall be so sold, and the said commissioners, on receiving the amount of said assessment, fees, interest and expenses, respectively, shall give to the purchaser or purchasers thereof a certificate of such sale, duly acknowledged, which certificate shall be presumptive evidence of all the facts stated, and shall be recorded in said clerk's office as the evidence of mortgage sales under the statute is recorded, and the said certificate shall authorize and empower the purchaser therein named, or his assignee, by written instrument, duly executed, acknowledged and recorded, in the same manner, on the first day of April, July, October or January then next, to enter into and take possession of the lands so sold, and to use, occupy and enjoy the same, with the rights of a life-tenant, during the time for which he shall have purchased the same, unless the same shall be redeemed as hereinafter provided. If, at any such sale, no bid to the amount of the assessment thereon, and expenses of sale, shall be made for any such parcel of land, the same shall be struck off to said commissioners, as such, and they shall make a memorandum of the fact that the land was so struck off, in a book to be kept by them for that purpose, and, whenever any such lands have been struck off to such commissioners, the said commissioners shall acquire an absolute title to such lands in fee, and clear from all claim or demand of any owner thereof, or any person having any lien thereon, or any interest therein, except the county of Monroe, and the city of Rochester, for any unpaid tax or assessment, but the equity of redemption in such lands shall be barred only by an action to be brought by such commissioners, as such, making all persons having any lien or interest in said lands parties defendant thereto, which action shall be begun in the supreme court, laying the place of trial in the county of Monroe, or in the county court of Monroe county, which courts are hereby given jurisdiction thereof, and in which action the same proceedings shall be had, as nearly as may be, as on the foreclosure of mortgages, and judgment of strict foreclosure or of foreclosure and sale may be had therein, as the court may direct, and when an action commenced under this section has been settled, and the costs and expenses of said action, and the said assessment lien paid, an order may be made and entered in the Monroe county clerk's office directing the said clerk to make a suitable and proper entry upon the original record thereof in his office, and, upon such record, being so made, the premises mentioned therein shall be discharged of such tax or assessment lien.

certificate thereof.

Lands struck off to commissioners.

Equity of redemption therein, how barred.

Discharge of assessment lien.

§ 12. The owner, mortgagee, occupant, or other person interested in, and entitled to redeem lands sold on execution, may at any time within fifteen months from the date of such sale, redeem the lands sold, as provided in this act, by paying to the purchaser, or to said county clerk, for his use, the said purchase money, with fifteen per centum per annum in addition thereto, together with any other tax or assessment which the said purchaser may have paid, chargeable to such lands, with interest thereon at the rate of six per centum per annum, and a certificate of the said clerk stating the payment, and showing what land the payment is intended to redeem, shall be evidence of such redemption, and shall entitle the person so redeeming to a return of such lands. And where any person entitled to redeem as aforesaid, shall be an infant, he may redeem the same by making such payment, at any time within fifteen months after he shall have become of full age, on paying the aforesaid amounts to said purchaser or clerk, in the manner aforesaid; but the purchaser shall, in all cases

Redemption of lands.

Redemption by infants.

Right to

growing crops. of redemption aforesaid, have the right to all growing crops sown by him, after taking possession under such certificate, and he shall have the right to remove all property or structures put by him upon the land after such purchase, provided the same can be removed without serious injury to the reversion.

Removal of structures. § 13. The said commissioners shall keep a full, true, accurate and detailed account of all moneys collected or received by them, and when and of whom collected, or received, and also a like account of all moneys collected or disbursed by them, including all claims for services, or personal expenses, and the time when, and to whom, and for what, such sums were expended. When the said sewers, drains, ditches and water channels shall be completed and all the rights of way and easements acquired and paid for, said commissioners shall make an accurate copy of their said account, which shall be verified as to each item by the said commissioners or by some one of them having personal knowledge thereof, which shall be filed in said clerk's office, and said statement shall show the balance of moneys, if any, remaining in their hands, and in case of a deficiency, the amount of the same, and the occasion or cause thereof, and the name of each person affected thereby, so far as the same can, with reasonable diligence, be ascertained by them.

Account of receipts and disbursements. § 14. If upon the completion of said sewers, drains, ditches and water channels, the amount collected or received by them shall be found insufficient to pay the expenses, fees, disbursements and expenditures of the said commissioners, provided for in this act, the said commissioners are hereby authorized and empowered to make a further assessment or assessments, therefor, as often as shall be necessary to provide for such deficiency, which assessment or assessments, shall be made in the same manner, and shall have the same effect, and there shall be the same right of review by appeal, as is hereinbefore provided in relation to said original assessment.

Filing of verified copy upon completion of work. § 15. Any appeal, or other proceeding, taken pursuant to the provisions of this act, may be noticed for a hearing at any special term of the supreme court, held in said county of Monroe, by a service of such notice eight days prior to the commencement of said term.

Assessments for deficiency. § 16. All sewers, drains, ditches and water channels which shall be constructed under this act, are hereby declared to be constructed and maintained for the public health, and to be, in all respects, lawful sewers, drains, ditches and water channels.

Appeals, etc., how noticed. § 17. Neither of the commissioners appointed by or under the provisions of this act shall be liable personally upon any contract made or certificate issued by him, or them, as such commissioner or commissioners, nor for any act done by him or them under the provisions of this act, unless such act shall be a willful and intentional wrong on his part.

Lawful sewers, drains, etc. § 18. The commissioners appointed by or under the provisions of this act shall each receive for each day of at least five hours actually and necessarily spent by him in the performance of his duties as such commissioner the following sums: the commissioner who shall be an attorney-at-law, ten dollars, and each of the other commissioners five dollars, and at those rates for fractional parts of five hours, but in no case shall the entire compensation of a commissioner be annually greater, if the commissioner shall be a layman, than twelve hundred dollars, or if any attorney-at-law, as provided in this act, than twenty-four hundred dollars. No commissioner shall be directly or indirectly interested in any contract, as principal, surety, or otherwise, except

Personal liability of commissioners.

Compensation.

Not to be interested

as one of the commissioners to said contract, where the expenses or considerations thereof are to be paid under any of the provisions of this act; but this shall not affect the right to any fee or emolument belonging to said office of commissioner, as provided by this act.

in con-
tracts, etc.

§ 19. In case any vacancy shall occur in the office of any commissioner appointed by or under the provisions of this act, either by death, resignation or otherwise, such vacancy or vacancies shall, on the application of the commissioner or commissioners in office, or of any other person or persons interested therein, upon notice to the remaining commissioner or commissioners, be filled by the order of the Monroe county court. The commissioner or commissioners thus appointed shall possess all the powers and be subject to all the liabilities of commissioners under this act; provided that until such vacancy shall be supplied and filled and there shall be two remaining commissioners, they shall possess and exercise all the powers conferred by this act as fully and to all intents and purposes as if no such vacancy had occurred or existed.

Vacancies
in office.

Powers of
commis-
sioners be-
fore va-
cancy sup-
plied.

§ 20. Every assessment authorized by this act shall be and is hereby declared valid and effectual, notwithstanding any irregularity, omission or error in any of the proceedings relating to the same. In case any assessment shall remain unpaid on account of any irregularity, omission or error in any of the proceedings relating thereto, or in case of error in the description of the lands, tenements or real estate, or in the designation of the owners or occupants, said commissioners shall proceed to correct such irregularity, omission or error in such assessment-roll, and such correction shall have the same effect as if the assessment had originally been properly made.

Validity of
assess-
ments.

Correction
of irregu-
larities,
etc.

§ 21. The sewer, drains and ditches thereto, after completion, and the said commissioners ceasing to act, shall, as to the portion thereof within the limits of the city of Rochester, be under the charge of the executive board of said city, or its successor; and the portion in the towns shall be under the charge of the supervisor and commissioner of highways thereof.

Control of
sewers,
etc.

§ 22. This act shall take effect immediately.

CHAP. 115.

AN ACT to amend chapter four hundred and ninety of the laws of eighteen hundred and eighty-five, entitled "An act concerning tramps."

BECAME A LAW without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, March 31, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter four hundred and ninety of the laws of eighteen hundred and eighty-five, is hereby amended so as to read as follows:

§ 1. Every tramp, upon conviction as such shall be punished by imprisonment at hard labor in the nearest penitentiary for not more than six months, and the expense during such imprisonment shall be paid by the state at the rate of thirty cents per day per capita.

§ 2. This act shall take effect immediately.

CHAP. 116.

AN ACT to amend section one of title one of chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, March 31, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of title one of chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages," is hereby amended so as to read as follows:

Population and territory requisite for incorporation.

Incorporation of certain territory including summer park.

§ 1. Any part of any town or towns, not in any incorporated village, containing a resident population of not less than three hundred persons, and if it shall include in its boundaries a territory of more than one square mile in extent, containing a resident population of not less than three hundred persons in each, and every additional square mile of territory included within such boundaries, may be incorporated as a village under the provisions of this act, by complying therewith, provided in case of any or part of any town or towns not containing three hundred resident population, but including in its boundaries a territory not less than one-half a square mile in extent, and a park of not less than forty acres used for a summer resort owned by an association incorporated by the state, upon filing in the county clerk's office of each county a map, as provided in section two of this title, and a petition signed by every property owner, liable to taxation, and every voter in such territory properly acknowledged before some officer authorized to administer oaths, in favor of such incorporation, shall thereafter be incorporated as a village under this act by the name designated in such petition, and in such case and in no other, may proceed to elect village officers at once as provided in section eighteen of this title, and the first three names appearing in such petition shall constitute the first board of inspectors.

§ 2. This act shall take effect immediately.

CHAP. 117.

AN ACT to amend chapter two hundred and fourteen of the laws of eighteen hundred and eighty-eight entitled "An act to revise the charter of the city of Binghamton," and the acts amendatory thereof."

APPROVED by the Governor March 31, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

City charter amended.

SECTION 1. Section two of title five of chapter two hundred and fourteen of the laws of eighteen hundred and eighty-eight, entitled "An act to revise the charter of the city of Binghamton," is hereby amended so as to read as follows:

§ 2. There shall be elected annually in each ward, one supervisor, except in the ninth and tenth wards, which shall elect by the joint ballots of their electors, one supervisor, and the twelfth and thirteenth wards which shall in like manner elect one supervisor, who shall be a member of the board of supervisors of the county of Broome, and shall possess all the powers and authority of supervisors of towns, subject to the same obligations, and shall receive the same compensation, to be paid in the same manner. A majority of the supervisors, the recorder, one or more of the justices of the peace, and clerk of said city, shall be a board of city auditors, to audit charges and accounts against said city, for services rendered, or moneys furnished or expended by a justice of the peace, when acting as recorder; by any constable; by the overseer of the poor; by the keeper of the jail of Broome county, and by the members of the board of city auditors; and to audit and provide such sum or sums of money, as may be necessary, to be expended under the provisions of chapter seven hundred and six of the laws of eighteen hundred and eighty-seven as amended by chapter two hundred and sixty-one of the laws of eighteen hundred and eighty-eight, in the same manner, and at the time similar accounts are audited by the respective town boards in the several towns in the county of Broome. The compensation of each member of said board of city auditors shall be two dollars a day for each day's actual and necessary service. All charges and accounts against said county for services rendered, or moneys furnished, or expended by any of the officers mentioned in this section, shall be audited by the board of supervisors of Broome county.

Supervisors.

Board of city auditors.

Audit of certain accounts by.

Compensation.

Audit of accounts against county.

§ 2. Section one of title six of chapter two hundred and fourteen of the laws of eighteen hundred and eighty-eight, entitled "An act to revise the charter of the city of Binghamton," is hereby amended so as to read as follows:

§ 1. The common council shall have power to cause to be raised annually a sum not exceeding eight thousand dollars, to defray the ordinary and contingent expenses of the city; a further sum, not exceeding the sum of twenty-five thousand dollars, to defray the expenses of the police department; a further sum not exceeding fifteen thousand dollars, to defray the expenses of the fire department; a further sum, not exceeding three thousand dollars to aid in defraying the expenses of a non-sectarian city hospital; a further sum of ten hundred dollars for hospital purposes and expenses of the board of health; a further sum of ten hundred dollars, to be paid to the commissioners of Ross Park, for improvement and management of said park; a further sum not exceeding fifty cents for every one hundred dollars of the assessed valuation of the taxable property in said city, to be determined from the last annual assessment-roll of said city, to defray the expenses of providing lamps and lighting the city, and of making, grading, repairing and improving the highways, streets, lanes, alleys, bridges, public grounds, sidewalks, cross-walks, and gutters in said city; and in addition thereto, a further sum, sufficient to pay all installments of principal and interest on the public debt of the city of Binghamton coming due during the ensuing year. But nothing in this section shall prohibit the raising of any further sum in any one year for local improvements, as in this act otherwise provided. All sums to be raised by a general tax in pursuance of this act, shall, except as herein otherwise provided, be assessed and rated upon and among the owners of real and personal estate, incorporated companies and associations named in the revised assessment-roll, in proportion to the valuation therein stated, in the

Annual city taxes.

General tax, how rated and assessed.

same manner and proportion, as near as may be, as taxes in and for the county of Broome are rated and assessed.

§ 3. Section seven of title twelve of chapter two hundred and fourteen of the laws of eighteen hundred and eighty-eight, entitled "An act to revise the charter of the city of Binghamton," and the several acts amendatory thereof is hereby amended so as to read as follows:

Police
force and
salaries
thereof.

§ 7. The police force of the city, which shall be appointed by said board, shall consist of a chief of police, at a salary not to exceed one hundred dollars per month, two assistant chiefs of police, who shall act as roundsmen, at a salary not to exceed eighty-five dollars per month each, and nine patrolmen, at a salary not to exceed sixty dollars per month for each patrolman, but said board may in its discretion increase the salary of any patrolman five dollars per month above said sixty dollars for each five years of continuous service that such patrol-

Increase of
patrolmen.

man shall have been upon said police force. The number of said patrolmen may, at the discretion of said board of police commissioners, be increased from time to time, but such increase shall in no event exceed the rate or proportion of one patrolman to every one thousand inhabitants of said city, to be determined according to the last preceding census taken by the state or United States. Said board may also appoint, by a majority vote, as many special policemen as from time to time may be deemed expedient, to serve with or without compensation, as provided by the board, a specified length of time, not extending beyond the first day of February next ensuing after such appointment. No member of the police force, except special police-

Special
policemen.

Removals
or suspen-
sions.

men, when duly appointed, shall be removed by a majority vote of the board, except upon written charges preferred, and after opportunity given to the accused to be heard in his defense; but said board may, by a majority vote, at any time suspend any policeman for inefficiency or misconduct, with stoppage of salary during such suspension; any member of the police force may be removed at any time by the unanimous vote of all the commissioners or the concurrent vote of three commissioners and the mayor, without any specifications on the part of the board, unless deemed expedient, of the cause of such removal.

§ 4. This act shall take effect immediately.

CHAP. 118.

AN ACT to amend sections fifty-two and fifty-four of title eleven of chapter five hundred and eighty-three of the laws of eighteen hundred and eighty-eight, entitled "An act to revise and combine in a single act all existing special and local laws affecting public interests in the city of Brooklyn," relative to boiler inspection.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 1, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

City
charter
amended.

SECTION 1. Section fifty-two of title eleven of chapter five hundred and eighty-three of the laws of eighteen hundred and eighty-eight, entitled "An act to revise and combine in a single act all existing special and local laws affecting public interests in the city of Brooklyn" relative to boiler inspection, is hereby amended to read as follows:

§ 52. Every owner of a steam boiler or boilers or steam generator or generators in use in the city of Brooklyn, or upon floats, lighters, barges, canal-boats, or other similar vessels attached to the docks, piers or wharves of the city of Brooklyn, shall, annually, and at such times and in such manner and such form as may by rules and regulations be made therefor by the commissioner of police and excise of the city of Brooklyn, report to the said commissioner the locality of such steam boiler or boilers or steam generator or generators; where the owners of the steam boiler or boilers or steam generator or generators, is a corporation having its main office in the city of Brooklyn, and the steam boiler or boilers or steam generator or generators is or are in use upon a float, lighter, barge, canal-boat, or other similar vessel attached to the docks, piers or wharves of the city of Brooklyn, the said steam boiler or boilers, or steam generator or generators, shall be inspected under the direction of the commissioner of police and excise, as herein provided; where the managing owner or owners of the steam boiler or boilers, or steam generator or generators in use as aforesaid, is a person or persons other than a corporation, residing in the city of Brooklyn, the said steam boiler or boilers, steam generator or generators, shall be inspected under the direction of the commissioner of police and excise as herein provided; upon receiving the report of the owner, as aforesaid, the said commissioner shall forthwith as soon as practicable, cause to be inspected such steam boiler or boilers, or steam generator or generators, and all apparatus or appliances therewith, but no person shall perform such duties unless he be a practical engineer, and the strength and security of each boiler shall be tested by hydrostatic pressure; and the superintendent of steam boilers or the inspectors shall limit the pressure of steam to be applied to or upon such boiler or steam generator, certifying each inspection and such limit of pressure to the owner or owners of the boiler or steam generator inspected, and also to the engineer in charge of the same; and no greater amount of steam or pressure than that certified in the case of any boiler or steam generator shall be applied thereto. In limiting the amount of pressure wherever the boiler or steam generator under test will bear the same, the limit desired by the owner or owners of the boiler or steam generator shall be the one certified. A certificate issued under the provisions of this act shall exempt the boiler or steam generator described therein from any further inspection throughout the state until the expiration of said certificate. The provisions of this act shall not apply to any steam generator used for heating in public schools or private dwelling.

Report of location of steam boilers, etc.

Inspection of boilers, etc., how made.

Duty of superintendent and inspectors of steam boilers.

Certificate of inspection.

Not to apply to heating.

§ 2. Section fifty-four of said act is hereby amended so as to read as follows:

§ 54. Any person applying, or causing to be applied, to any steam boiler a higher pressure of steam than that limited for the same, in accordance with the provisions of this act, shall be guilty of a misdemeanor, and whenever any owner of any steam boiler in the city of Brooklyn, shall fail or omit to have the same reported for inspection, as provided for by this act, such boiler may be taken under the control of the said commissioner, and all persons prevented from using the same until it can be satisfactorily tested, as herein provided for, and the owner shall, in such case, be charged with the expense of so testing it. For the purpose of carrying out the provisions of the last two sections, the said commissioner shall appoint a superintendent of steam boilers, who shall be a practical engineer, and who shall examine all applicants for certificates as engineers and shall superintend and

Penalty for applying higher steam pressure.

Failure to report boilers, etc.

Superintendent of steam boilers.

Inspectors. direct the inspection of all steam boilers, steam generators and appurtenances, as provided for in this act, and the said commissioner shall also appoint not to exceed six boiler inspectors, who shall be skilled machinists. The said superintendent and inspectors shall possess the same rights and privileges as members of the police force.

§ 3. This act shall take effect immediately.

CHAP. 119.

AN ACT to prevent discrimination against persons of color by life insurance companies.

APPROVED by the Governor April 1, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Discrimination prohibited.

SECTION 1. No life insurance company doing business within this state shall make any distinction or discrimination between white persons and colored persons, wholly or partially of African descent, as to the premiums or rates charged for policies upon the lives of such persons, or in any other manner whatever; nor shall any such company demand or require a greater premium from such colored persons than is at that time required by such company from white persons of the same age, sex, general condition of health and prospect of longevity; nor shall any such company make or require any rebate, diminution or discount upon the amount to be paid on such policy in case of the death of such colored persons insured, nor insert in the policy any condition, nor make any stipulation whereby such person insured shall bind himself, or his heirs, executors, administrators and assigns to accept any sum less than the full value or amount of such policy in case of a claim accruing thereon by reason of the death of such person insured, other than such as are imposed upon white persons in similar cases; and any such stipulation or condition so made or inserted shall be void.

Rebates, etc.

Penalty for violation of act.

§ 2. The violation of any part of the first section of this act shall be deemed a misdemeanor and the party or parties violating the same shall, upon conviction thereof, be subject to a fine of not less than fifty dollars, or more than five hundred dollars.

§ 3. This act shall take effect immediately.

CHAP. 120.

AN ACT to amend section five hundred and fifty-nine of the Penal Code, relative to the sending of threatening letters.

APPROVED by the Governor April 1, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five hundred and fifty-nine of the Penal Code is hereby amended so as to read as follows:

Sending, etc., of threatening or an-

§ 559. A person who, knowing the contents thereof, sends, delivers, or in any manner causes to be sent or received any letter or other writing threatening to do any unlawful injury to the person or property of

another, or any person who shall knowingly send or deliver or shall make and for the purpose of being delivered or sent, shall part with the possession of any letter, postal card or writing with or without a name subscribed thereto or signed with a fictitious name or with any letter, mark or other designation, with intent thereby to cause annoyance to any person, is guilty of misdemeanor.

noying letters, etc.
penalty for.

§ 2. This act shall take effect immediately.

CHAP. 121.

AN ACT to confirm and establish the boundaries, lines and location of Chester street (late Centre street), between East New York avenue and the boundary line of the town of Flatbush, in the twenty-sixth ward of the city of Brooklyn.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 2, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The location, boundaries and lines of Chester street (late Centre street), between East New York avenue and the boundary line of the town of Flatbush, in the twenty-sixth ward of the city of Brooklyn, as laid down on a certain map, entitled "Map of two hundred and sixty-two lots belonging to Sarah A., wife of William H. Suydam, situated in the town of New Lots, Kings county New York," surveyed March thirtieth, eighteen hundred and sixty, by J. H. Grumman, city surveyor of the city of Brooklyn, and filed in the register's office of Kings county, New York, April sixteen, eighteen hundred and sixty, under number six hundred and thirty-six, are hereby confirmed and made the legal location, lines and boundaries of said Chester street (late Centre street), between East New York avenue and the boundary line of the town of Flatbush, in the twenty-sixth ward of the city of Brooklyn, to the exclusion and in place of any other lines which may have been heretofore fixed as the location, lines and boundaries of said street by any other act or upon any other map.

Boundaries
of street
estab-
lished.

§ 2. This act shall take effect immediately.

CHAP. 122.

AN ACT to amend chapter five hundred and thirty-five of the laws of eighteen hundred and eighty-eight, entitled "An act to incorporate the city of Middletown."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 2, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivision five of section one of title four of chapter five hundred and thirty-five of the laws of eighteen hundred and eighty-

City
charter
amended.

eight, entitled "An act to incorporate the city of Middletown," is hereby amended so as to read as follows:

Suspension of officers by mayor.

Notice to council, and action thereon.

Vacancies, how filled.

Suspension of elective officers.

Report of suspension to council.

Description and map of streets, etc.

Record of new streets, sewers, etc.

Lands, city property.

Mayor, annual message of. May administer oaths, etc.

5. To suspend, for cause, any officer appointed by said common council or any officer, appointee or employe of said city for a term not exceeding thirty days. Whenever any officer, appointee or employe of said city is suspended by the said mayor, he may, in his discretion, give written notice thereof to the common council, and the said common council, upon receiving such notice, may appoint a committee of investigation thereof, which committee shall have power to send for persons and papers, to issue subpoenas for witnesses and compel their attendance, and, by its chairman, to administer oaths, and to fully investigate the same; and the said common council may, in its discretion, restore or dismiss said officer or employe, and declare his office, appointment or employment vacant and terminated; and in case of dismissal, such office and position shall become and be vacant, and shall be filled by appointment by the mayor, as in case of vacancy by death or resignation. The mayor shall fill by appointment, until the next charter election, any vacancy in any city office which may occur by death or resignation of any city officer, whether elected or appointed. But the mayor shall forthwith report to the common council any suspension by him of an elective officer of said city.

§ 2. Subdivision seven of section one of title four of said act is hereby amended so as to read as follows:

7. When he shall give notice to the common council of the suspension by him of any officer appointed by said common council, or any officer, appointee or employe of said city, he shall report, in writing, such suspension to the common council at its next meeting thereafter, stating therein the grounds of such suspension, together with such recommendation as he may deem proper. But there shall be but one suspension for the same cause.

§ 3. Section fourteen of title six of said act is hereby amended so as to read as follows:

§ 14. The common council shall cause a description and map to be made of all the streets, highways, alleys, lanes, side and cross walks, drains, sewers, public or given to the village of Middletown, or to the city of Middletown, or which shall have been used or occupied by the public for ten years, which description shall be recorded in a book, to be kept by the clerk for that purpose, and said map shall be filed and kept in the office of said clerk. A description of every street, public ground, sidewalk, crosswalk, drain, water-pipes, stop-cocks, blow-cocks and sewers, thereafter made or altered, or discontinued, shall be recorded in the same book or set of books to be kept for that purpose, and a map of every new street hereafter made, and of every alteration in a street, shall be made and filed with and kept in the office of said clerk. Such record and maps shall be prima facie evidence of the facts therein stated, described or portrayed in all actions and courts. And the said lands so mapped shall be and shall thereafter continue to be the property of said city.

§ 4. Subdivision one of section one of title four of said act is hereby amended so as to read as follows:

1. To communicate to the common council, at least once a year, a general statement of the finances as he shall deem expedient. He shall have power to administer oaths and take affidavits and acknowledgments within said city that justices of the peace have, and shall be entitled to receive therefor from any person, except the city, the same fees and compensation. But all oaths, affidavits or acknowledgments, taken or

sworn before him for the city, or for any officer or agent acting for the city, shall be taken without any fee or charge.

§ 5. This act shall take effect immediately.

CHAP. 123.

AN ACT in relation to the employment of Julien T. Davies to perform certain services, and authorizing the board of claims to hear, audit and determine the claims of said Julien T. Davies against the state for services and expenses under said employment.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 2, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The employment of Julien T. Davies to revise his compilation of constitutional provisions, statutes and cases relating to the assessment of taxes, and to add thereto abstracts of cases cited, pursuant to a resolution of the senate passed February third, eighteen hundred and eighty-eight, is hereby legalized, ratified and confirmed, and shall have the same force and effect as if such employment had been ordered by act of the legislature.

Employment legalized.

§ 2. The board of claims is hereby authorized to hear, audit and determine the claims of said Julien T. Davies for services and expenses under said employment, and to award to him such sum or sums as, upon due proof before said board, shall be reasonable compensation therefor.

Hearing and audit of claim.

§ 3. This act shall take effect immediately.

CHAP. 124.

AN ACT to authorize the board of claims to hear, audit and determine the claim of Herbert P. Bissell for certain services rendered and expenses incurred by him, and to award to him compensation therefor.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 2, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of claims is hereby authorized to hear, audit and determine the claim of Herbert P. Bissell for services rendered as commissioner appointed by the supreme court, pursuant to the provisions of chapter eighty-four of the laws of eighteen hundred and eighty-eight, to ascertain who are the payees under certain treaties of the state, and for expenses incurred by him in performing said services. And the said board shall adjudicate upon such claim and fix the amount thereof and of such compensation and expenses with like effect as if no limitation had been placed by the terms of the last named act upon the amount to be paid for such services and expenses.

Board of claims to hear claim.

§ 2. This act shall take effect immediately.

CHAP. 125.

AN ACT to provide for the publication of the colonial statutes from the foundation of the colony to the adoption of the first constitution of the state of New York.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 2, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Republisha-
tion of col-
onial
statutes.

SECTION 1. Isaac H. Maynard, Charles A. Collin, and Eli C. Belknap, commissioners of statutory revision, are directed to republish verbatim, preserving the original spelling and punctuation, the statutes of the colony of New York, from the foundation thereof to the adoption of the first constitution of this state. References to subsequent statutes amending or repealing statutes shall be added.

Size of vol-
umes,
index, etc.

§ 2. The republication shall be in octavo volumes of not less than six hundred or more than seven hundred and fifty pages each, with an index to each volume, and of a material equal in style and quality to the session laws of eighteen hundred and eighty-four.

Edition
and how
distribu-
ted.

§ 3. The edition shall consist of fifteen hundred copies and shall be distributed as follows: one set each to the various bodies, officials and departments, except town clerks, who are now entitled by law to receive printed copies of the session laws. The remainder shall be delivered to the trustees of the state library, who shall use two hundred copies for literary and scientific exchanges, and after reserving a sufficient number of copies for the future use of the state, they shall in their discretion, sell the balance at a price to be fixed by them, and pay the proceeds into the treasury of the state.

Sale of
copies.

Appropri-
ation.

§ 4. Ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, to carry this act into effect, and the same shall be paid by the treasurer on the warrant of the comptroller in such sums and to such persons as such commissioners shall approve.

Statement
on title
page.

Evidence.

§ 5. It shall appear on the title page of every volume that it was published pursuant to this act, and the statutes contained therein shall be evidence in any action or proceeding and of the same force and effect as though the original was produced.

§ 6. This act shall take effect immediately.

CHAP. 126.

AN ACT to authorize the board of claims to hear, audit and determine the claim of James G. Johnson.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 2, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Employ-
ment,
legalized.

SECTION 1. The resolution of the senate dated May sixteenth, eighteen hundred and eighty-nine, authorizing the committee on

Indian affairs to employ counsel is hereby ratified and confirmed and the board of claims is hereby authorized and directed to hear, audit and determine the claim of James G. Johnson for services rendered as counsel to the said committee under the said resolution and to award to him such sum as to them shall appear to be just and equitable for such services, provided that such claims shall be filed before January first, eighteen hundred and ninety-two.

Hearing and audit of claim.

§ 2. This act shall take effect immediately.

CHAP. 127.

AN ACT making an appropriation for certain expenses of government.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 2, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The sum of five thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, for additional advances by the comptroller to the clerks of the senate and assembly for contingent expenses of the legislature, including extra clerical service and engrossing, to be paid by the comptroller in like manner as other advances by the comptroller for such purposes are paid.

Appropriation for advances for expenses of legislature.

§ 2. This act shall take effect immediately.

CHAP. 128.

AN ACT in relation to the New York and Brooklyn bridge.

APPROVED by the Governor April 2, 1891. Passed, three-fifths being present

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The trustees of the New York and Brooklyn bridge are authorized and empowered to improve the terminal facilities of the bridge in each city.

Improvements authorized.

§ 2. The structure at each terminus of the bridge shall be built on lands now held or hereafter to be purchased or acquired by eminent domain by the trustees. The structure shall not obstruct unnecessarily any street over which it may be built, and the columns to support the structure shall not be placed within the carriageway of the street, but shall be placed only in the sidewalk at the curb line. No part of the structure at the terminus in New York shall extend north of the northwesterly line of Park Row, nor in Brooklyn south of the northerly line of Tillary street.

Structures, how built.

§ 3. The trustees shall have power to purchase, acquire and hold for the cities of New York and Brooklyn conjointly as much real estate as may be necessary to improve the terminal facilities of the bridge and for all structures proper and convenient therefor, and they may purchase or acquire and hold for the city of Brooklyn the real estate in said city bounded by Fulton, Sands and High streets and lands held

Purchase of lands for improvements.

for bridge purposes and as much real estate as may be necessary to open an avenue of approach to the bridge from Tillary street to the entrance to the bridge at Sands street and Liberty street may be made a part of such avenue of approach. In case the said trustees can not agree with the owner or owners of any such real estate or of any interest therein for the purchase thereof they shall have the right to acquire the same by eminent domain in the manner and by the special proceedings as are authorized and provided for obtaining title to real estate under chapter twenty-three, title one of the Code of Civil Procedure of the state of New York and any acts amendatory thereof, or in addition thereto. No land shall be purchased or acquired in Brooklyn south of the northerly line of Tillary street, nor in New York north of the southerly line of Park Row.

Acquisition of same by eminent domain.

Restriction.

Cost of improvements payable by cities.

Requisitions for money. Moneys called for, how raised.

Limitation.

Bonds, how issued.

Additional cost payable by Brooklyn.

Bridge receipts, how applied.

Surplus payable to cities.

Application of moneys by cities.

Retention of sum for extraordinary repairs.

§ 4. For the purpose of making such terminal improvements, except the opening of the avenue of approach and the acquisition and improvement of lands bounded by Fulton, Sands and High streets and bridge lands, the city of Brooklyn shall pay to the trustees of the New York and Brooklyn bridge two-thirds of the cost thereof and the city of New York shall pay to the trustees one-third of the cost thereof. The trustees shall, from time to time, by written requisition upon the comptroller of each city, call from said city its proportion of the moneys required by the trustees. It shall thereupon be the duty of each comptroller to borrow upon the faith and credit of such city the moneys called for by the trustees and to pay the said moneys to them. The city of Brooklyn shall not be called upon under this section to pay more than one million of dollars and the city of New York not more than five hundred thousand dollars. The bonds shall be issued in separate series of one hundred thousand dollars respectively, and so that no series shall fall due and become payable within less than thirty years from the date of issue. The bonds shall bear interest not to exceed three per centum per annum, and none shall be sold at less than the par value thereof.

§ 5. The city of Brooklyn shall also, in addition to the money aforesaid, pay to the trustees the entire cost of opening the avenue of approach to the bridge in Brooklyn, including the cost of necessary real estate and the entire cost of acquiring any lands as provided for in section three of this act in Brooklyn in the block bounded by Sands street, Fulton street, High street and the bridge lands. The city of Brooklyn shall, for this purpose, borrow the money and pay it over to the trustees and issue bonds in the manner provided in section four of this act.

§ 6. All tolls, fares, rents, revenues and moneys collected and received by the board of trustees shall be first applied toward the payment of the expense of the operation and of the maintenance of the said bridge and the surplus remaining after the payments for such purposes shall be paid over, two-thirds to the treasurer of the city of Brooklyn, and one-third to the comptroller of the city of New York, respectively, in the months of January and July in each and every year, and the moneys so received shall be applied by the respective cities; first, toward meeting the interest charged on any city bonds issued by that city for the construction or improvement of the said bridge, and finally, toward the respective sinking funds to meet the principal of said bonds as they shall mature; provided, however, that it shall be lawful for the trustees of the New York and Brooklyn bridge to reserve and retain in the treasury of the bridge, for the purpose of meeting the expenses of extraordinary repairs, the sum of one hundred thousand dollars.

§ 7. Neither the mayor, aldermen and commonalty of the city of New York, nor the city of Brooklyn shall be liable hereafter for any matter or thing or claim or demand growing out of the New York and Brooklyn bridge. The trustees of the New York and Brooklyn bridge shall succeed to all liabilities of the two cities growing out of the bridge, and all claims and demands growing out of the bridge, upon contracts and for negligences, and for wrongs which heretofore might be prosecuted against the two cities or either of them, shall be prosecuted against the trustees of the New York and Brooklyn bridge, and they shall be liable therefor in their corporate capacity, and they shall sue and defend all actions and proceedings in and by their corporate name, the trustees of the New York and Brooklyn bridge, and shall pay all damages and judgments out of the moneys they receive for tolls, fares and rents.

Cities not liable hereafter.

Trustees to succeed to liabilities.

Actions against trustees.

§ 8. No action upon a contract, or for negligence or a wrong, shall be prosecuted or maintained against the trustees, unless the claim or demand shall have been presented to the trustees in writing, at least thirty days before the commencement of the action or special proceeding and within six months after the cause of the action accrued, nor unless these facts appear in the complaint. The residence or place of business of the claimant shall be stated in the notice. The president of the trustees may require any claimant to appear before a judge of a court of record in the county where the claimant resides and be examined under oath concerning such claim and the contract or negligence or wrong. Five days' notice in writing shall be given to the claimant that he is required to appear, and it may be served by delivering a copy to the claimant personally, or by leaving the same at the place named in the notice of claim as the residence or place of business of the claimant.

Claims to be presented before prosecution.

Claimant may be required to appear and testify.

Notice to appear.

§ 9. Actions and special proceedings against the trustees shall be brought and shall be tried in the county of New York or in the county of Kings. All process and papers for the commencement of an action or special proceedings against the trustees shall be served on the president, the treasurer, the chief engineer and superintendent, or the secretary of the trustees.

Actions when tried.

Process, etc., on whom served.

§ 10. An action against the trustees to recover for a personal injury resulting from negligence or a wrong must be commenced within two years after the cause of action accrued.

Actions for personal injuries.

§ 11. In making the said improvements, the said trustees are hereby authorized and directed to widen, pave and flag Washington street on the westerly side thereof, from Concord street to Tillary street, so that the same shall be of a uniform width from Sands street to Tillary street, and of the same width as it now is south of Sands street where heretofore widened by the said trustees. The sidewalk on that part of Washington street so widened shall not be less than fifteen feet in width exclusive of area way. The said trustees shall erect along Washington street and also upon the northerly line or north of the northerly line of Tillary street a structure to hide, and of sufficient height to hide the storage yard and switching tracks and the cars and engines thereon from view, and architecturally designed so as to form an ornamental front of facade, and shall also wherever practicable fit up and rent the spaces under such structure for business or commercial purposes. That portion of the structure, so to be erected on Washington street which is beneath the said storage yard and switching tracks, shall not extend farther east than the westerly line of the sidewalk of Washington street widened as herein provided, and

Improvement of Washington street.

Structure to hide storage yard, etc., erection of, etc.

that portion which is above said storage yard and switching tracks shall not extend beyond the present westerly line of Washington street.

Repeal.

§ 12. All acts and parts of acts whether general or special, inconsistent with this act are hereby repealed.

Act not in derogation of terms of certain contract.

§ 13. Nothing in this act contained shall be taken, held or construed in any wise in derogation of anything contained in the contract made and entered into by and between the New Yorker Staats Zeitung and the trustees of the New York and Brooklyn bridge and others, under date of the seventh day of June, eighteen hundred and eighty six.

§ 14. This act shall take effect immediately.

CHAP. 129.

AN ACT to provide the means and making an appropriation to pay the expenses of superintendence, ordinary repairs and maintenance of the canals for the fiscal year commencing on the first day of October, eighteen hundred and ninety-one.

APPROVED by the Governor April 4, 1891. Passed, three-fifths being present

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

State tax of 22-100 of a mill for canal purposes.

SECTION 1. There shall be imposed for the fiscal year commencing on the first day of October, eighteen hundred and ninety-one, a state tax of twenty-two one-hundredths of a mill on each dollar of the valuation of the real and personal property in this state subject to taxation, which tax shall be assessed, levied and collected by the annual assessment and collection of taxes for that year, in the manner prescribed by law, and shall be paid by the several county treasurers into the treasury of this state, to be held by the state treasurer for the credit of the canal fund, and for appropriation to the purposes hereinafter designated.

Appropriation for salaries, clerk hire and expenses of certain officials.

§ 2. There is hereby appropriated from the proceeds of the tax authorized by the first section of this act, for paying the salaries and expenses of the collectors and compilers of the statistics, relating to the trade and tonnage of the canals; the expenses of the superintendence and ordinary repairs of the canals; the salaries, traveling expenses, clerk hire and office expenses of the superintendent and assistant superintendents of public works; the traveling expenses of the state engineer and surveyor; the clerk hire in the bureau of canal affairs, and the incidental expenses of said bureau and of the canal board, for the fiscal year commencing on the first day of October, eighteen hundred and ninety-one, the sum of eight hundred and nine thousand two hundred and fifty dollars to be distributed, applied, apportioned and disposed of as follows:

Superintendent of public works.
State engineer.

For the salaries, traveling expenses, clerk hire and office expenses of the superintendent and assistant superintendents of public works, thirty-five thousand dollars, or so much thereof as may be necessary.

For the traveling expenses of the state engineer and surveyor, seven hundred and fifty dollars, or so much thereof as may be necessary.

Section superintendents.
Bureau of canal affairs.

For the salaries of the section superintendents, thirty thousand dollars, or so much thereof as may be necessary.

For clerk hire in the bureau of canal affairs, thirty-five hundred dollars, or so much thereof as may be necessary.

For the salaries and compensation of the engineers employed upon the ordinary repairs of the canals, including the incidental expenses of such engineers, thirty thousand dollars, or so much thereof as may be necessary.

Engineers.

For the salaries and compensation of the collectors and compilers of the statistics relating to the trade and tonnage of the canals, and the inspectors and measurers of boats, including the incidental expenses of such collectors and inspectors, thirty thousand dollars, or so much thereof as may be necessary.

Collectors, inspectors, etc.

For the payment of such incidental and miscellaneous expenses as are necessary to be paid out of the canal fund, and charged to the account of the Erie and Champlain canal fund and the canal debt sinking fund, ten thousand dollars, or so much thereof as may be necessary.

Incidental expenses.

For the payment of the expenses of lock-tending and the ordinary repairs of the canals of the state, six hundred and seventy thousand dollars, or so much thereof as may be necessary.

Lock-tending and ordinary repairs.

§ 3. In order that the appropriations made by this act may be made available when needed, and before the money can be realized from said tax, the commissioners of the canal fund may invest in the said tax any of the surplus moneys of the principal of the canal debt sinking fund, or any moneys of the canal fund not needed for immediate expenditure, a sum not exceeding the amount to be realized from the tax herein authorized, and the moneys so invested shall be applied to pay the appropriations made by this act; and so much of the money arising from the said tax as may be necessary, when paid into the treasury, shall be applied in the first instance to reimburse said sinking fund or canal fund for the amount invested in said tax, and for the interest on the same, not exceeding three per centum per annum, from the time of investment to the day of payment.

Investment of surplus moneys in tax.

Re-imbursement.

CHAP. 130.

AN ACT to authorize the common council of the city of Troy to set aside certain land owned by said city for the uses and purposes of a public street.

BECAME A LAW without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 6, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. In the proceedings instituted pursuant to the charter of the city of Troy for opening a public street in said city between Tenth street and Oakwood avenue, south of Middleburgh street, the common council of said city may, by resolution of that body, order and direct that there be set aside and devoted to the uses and purposes of such proposed public street that tract or parcel of land belonging to said city which is described in the deed from Joseph Hudson to the city of Troy, dated April fourth, eighteen hundred and seventy-three, which was purchased for a school lot, but has never been used as such, and may, by resolution of that body duly adopted, declare the same to be a public street, and the setting aside of such tract for such street shall be without expense to the city of Troy or to the owners of property in the vicinity of such improvement, anything in the charter of or the laws relating to the said city to the contrary notwithstanding.

Setting aside of city lands for public street.

To be without expense.

§ 2. This act shall take effect immediately.

CHAP. 131.

AN ACT further to amend chapter six hundred and ten of the laws of eighteen hundred and seventy-four, entitled "An act to authorize the sale of lands for non-payment of taxes and for the collection of unpaid taxes in the several towns of the county of Westchester," and supplemental to said act and the several acts amendatory thereof.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 6, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six of chapter six hundred and ten of the laws of eighteen hundred and seventy-four, entitled "An act to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes, in the several towns of the county of Westchester," is hereby amended so as to read as follows:

Redemption of lands.

§ 6. At any time within one year after the date of such sale, the owner, mortgagee, occupant, or other person in any lot or parcel of land so sold, may redeem the same by paying to the supervisor for the use of the purchaser, the purchase-money paid by him, and any other tax upon such land which such purchaser may have paid subsequent to such purchase and of which he shall have given notice to the supervisor, together with interest thereon at the rate of twelve per centum per annum from the time of such purchase or payment of such tax to the time of such redemption thereof, and also the expense of recording the certificate of sale. The receipt of the supervisor for such payment, showing what land is thus redeemed, shall be legal evidence of the redemption thereof; and the town clerk shall, on presentation of such receipt, enter in the margin of the record of the certificate of sale, the date of such redemption, the manner thereof, and the name of the person who redeemed the land from sale.

Duty of town clerk.

Money refunded to purchaser.

The supervisor shall, upon receiving such money, immediately notify the purchaser of its receipt by him, and shall refund the same to such purchaser, his legal representatives or assigns, on demand. At the expiration of one year from the time of such sale, the purchaser, his legal representatives or assigns, shall be entitled to a lease of such premises, provided no redemption thereof shall have been made. The supervisor shall cause a notice to be posted and published in the manner provided by section four of this act for the notice of sale of such lands for three weeks previous to the expiration of such year, specifying, that unless the lands sold as aforesaid shall be redeemed within such year, they will be conveyed to the purchaser; and if such lands shall not be redeemed within such year, the supervisor, in the name and on behalf of the town, shall, under the corporate seal of the town, execute to the purchaser, his executors, administrators or assigns, a lease of the lands and tenements so sold, to be signed by such supervisor and countersigned by the town clerk, for such term as the same shall have been sold, and such lease shall be presumptive evidence that such tax was legally imposed, and of the regularity of all the proceedings attending the assessment and sale, and of the sale. In all cases where such redemption is made after such publication is commenced

Notice of conveyance unless lands redeemed.

Lease to purchaser.

Expense upon redemption

there shall be paid to the supervisor in addition to the amount for which such lot was sold, and the interest thereon, and expense of recording the certificate as aforesaid, the sum of one dollar for each lot or parcel so redeemed, to pay the expense of publishing and posting such notice of redemption. Upon the declaration or adjudication by any court of competent jurisdiction heretofore made that any assessment made or attempted to be made in any town of lands sold as for unpaid taxes and not redeemed by the owner or mortgagee thereof, is illegal or invalid, the board composed of the supervisor and the justices of the peace and town clerk of the town, or a majority of them, shall make an account of the amount or amounts for which such land or lands were so sold, with interest at the rate of six per centum per annum from the dates of the sale or sales of such land or lands, and file a transcript of such account in the town clerk's office. A copy thereof duly certified by the town clerk, shall be presented by the supervisor of the town to the board of supervisors at their next annual meeting, and said board shall reassess and charge the lands of which such assessment was made, or attempted to be made, for the total sum of the amounts for which such lands were so sold and interest thereon, and shall direct the collection thereof, with the other taxes of the year, in the same manner as such taxes are directed to be collected; and such amount and interest shall upon collection thereof be paid over by the supervisor of the town to the purchaser or assignee of the purchaser at such tax sale or sales.

after notice.

Proceedings in case of illegal assessments on lands sold.

Reassessment.

Payment to purchaser.

§ 2. This act shall take effect immediately.

CHAP. 132.

AN ACT to amend section thirty-two hundred and ninety-seven of the Code of Civil Procedure, relating to fees of referees.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 6, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirty-two hundred and ninety-seven of the Code of Civil Procedure is hereby amended so as to read as follows:

§ 3297. The fees of a referee appointed to sell real property, pursuant to a judgment in an action, are the same as those allowed to the sheriff, and he is allowed the same disbursements as the sheriff. Where a referee is required to take security upon a sale, or to distribute, or apply, or ascertain and report upon the distribution or application of any of the proceeds of the sale, he is also entitled to one-half of the commissions upon the amount so secured, distributed or applied, allowed by law to an executor or administrator for receiving and paying out money. But commissions shall not be allowed to him upon a sum bidden by a party, and applied upon that party's demand, as fixed by the judgment, without being paid to the referee, except to the amount of ten dollars. And a referee's compensation, including commissions, can not, where the sale is under a judgment in an action to foreclose a mortgage, exceed fifty dollars, or in any other case five hundred dollars.

Referee's fees upon sales of real property.

§ 2. This act shall take effect September first, eighteen hundred and ninety-one.

When to take effect.

CHAP. 133.

AN ACT to amend section eighteen of title fifteen of chapter five hundred and eighty-three of the laws of eighteen hundred and eighty-eight, entitled "An act to revise and combine in a single act all existing special and local laws affecting public interest in the city of Brooklyn," relating to department of city works.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 6, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eighteen of title fifteen of chapter five hundred and eighty-three of the laws of eighteen hundred and eighty-eight is amended so as to read as follows:

Plumbers,
licensing
of, to make
connec-
tions with
water
pipes.

§ 18. The said commissioner of city works may upon such terms and conditions as he may provide, license plumbers to open streets and bore pipes, and make the necessary connections therewith to conduct the water upon any premises for use, and may prescribe a license fee to be paid by such plumbers, and may require from them security against damage and for the faithful performance of such duties.

§ 2. This act shall take effect immediately.

CHAP. 134.

AN ACT to incorporate the Church Insurance Association.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 6, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Incorpora-
tors.

SECTION 1. The First Wesleyan Methodist Episcopal church of Rochester, New York; the Sixth or Frank Street Methodist Episcopal church of Rochester, New York; the First Society of the Methodist Episcopal church of Le Roy; First Society of the Methodist Episcopal church of Yates; Second Society of the Methodist Episcopal church of Brockport; First Methodist Episcopal church of Scottsville, New York; First Methodist Episcopal church of East Shelby; First Society of the Methodist Episcopal church of Geneseo, New York; First Methodist Episcopal church of East Bloomfield; First Methodist Episcopal church of Andover, New York; First Methodist Episcopal church of Avon, New York; First Methodist Episcopal church (of Albion, New York); First Methodist Episcopal society of North Parma; First Methodist Episcopal church of Riga; First Methodist Episcopal church of Perry, New York; First Society of the Methodist Episcopal church in Hammondsport, New York; North Avenue Methodist Episcopal church (of Rochester, New York); First Society of the Methodist Episcopal church of Alexander; First Methodist Episcopal church (of Batavia, New York); First Methodist Episcopal church of Friendship; Exley Memorial Methodist Episcopal church (of Wilson, New York); First Methodist Episcopal church of

Lincoln ; Second Society of the Methodist Episcopal church in Ham-
 burgh ; Woodside Methodist Episcopal church (of Buffalo, New York);
 Sainth Mark's Methodist Episcopal church (of Buffalo, New York);
 Methodist Episcopal church of Fowlerville; Methodist Episcopal
 church of Wellsville; the Methodist Episcopal church of Portville,
 New York; First Methodist Episcopal church (of North Cohocton,
 New York); First Methodist Episcopal church of Alabama; religious
 societies duly organized under the laws of the state of New York,
 which collectively own property of the value of four hundred thousand
 dollars, which they desire to have insured, and such other religious
 societies, and such pastors of religious societies as shall from time to
 time associate themselves with them in the manner hereinafter pro-
 vided, are hereby made a body corporate by the name of the Church
 Insurance Association, for the purpose of co-operate insurance against
 loss or damage by fire or lightning in the several counties in the state
 of New York. Every society or pastor desiring to be insured in said
 association shall make to the secretary of the association a written
 application for insurance, signed by such person or persons and in
 such manner, and containing such agreement on the part of the appli-
 cant for himself, itself, his, or its successors, heirs and assigns to pay his
 or its pro rata share, to the association, of all losses or damage caused by
 fire or lightning to any of the property insured therein by any member
 or members thereof, as the by-laws of said association shall prescribe,
 and such application, if accepted, shall be accompanied by the payment
 of such membership fee as said by-laws shall require; and each such
 application, when accepted, shall be filed by the secretary in the office
 of the association, and the applicant shall thereupon be and become a
 member thereof.

Corporate
name and
objects.

Applica-
tion for in-
surance.

Provisions
if ac-
cepted.

§ 2. This association shall be managed by a board of fifteen directors,
 the full number to be elected by ballot at the first regular meeting of
 the association and divided into five classes, whose respective terms of
 office shall be one, two, three, four and five years and until their suc-
 cessors, respectively, shall be elected, the successors of the first class
 to be elected, in like manner, at such time and place as the association
 shall determine at its said first regular meeting for the full term of
 five years, and those of the other classes annually thereafter in the order
 in which their respective terms shall expire. The first regular meet-
 ing of said association, for the election of directors, shall be held
 within sixty days after this act shall take effect, at such time and place
 as shall be agreed upon by a majority of the members thereof. At
 said meeting each religious society named in the first section of this
 act, and each such other religious society as shall then and there de-
 clare its purpose to become a member of said association, for the pur-
 poses thereof, may, if accepted, be represented by one delegate, duly
 appointed for that purpose by the board of trustees of the society
 which he represents, and may have one vote; and each pastor of a
 religious society who shall be present at said first regular meeting of said
 association and shall then and there declare his intentions to become
 a member of said association, for the purposes thereof, may, if accepted,
 have a seat in said meeting, and may have one vote. Said association
 shall, at said first regular meeting, fix the time and place for holding its
 subsequent annual meetings for the election of directors; and at each
 such subsequent annual meeting for the election of directors, only mem-
 bers of the association shall be entitled to representation, each religious
 society to be represented by a delegate duly appointed therefor by its
 board of trustees and to have one vote, and each pastor of a religious

Board of
directors.

Classifica-
tion of
terms.

First meet-
ing for
election
of direct-
ors.

Annual
meetings.

society, who shall be a member, to be entitled to a seat in said meetings and to one vote.

Officers of
corporation.

§ 3. Said board of directors, upon their election, shall proceed at once to organize by the selection from their number of a president, vice-president, secretary and treasurer who shall hold their respective offices for the term of one year and until their successors are chosen in like manner by said board of directors. Said officers shall be for all purposes the president, vice-president, secretary and treasurer of said association and of said board of directors.

Powers of
board.

§ 4. Said board of directors shall have full management and control of the affairs and business of the association. It shall have power to make, adopt and enforce by-laws, not inconsistent with this act and the laws of this state for its government and the orderly transaction of the business of the association, and from time to time amend the same, which by-laws shall be the by-laws of the association and shall bind all its members. Said by-laws shall prescribe the number and time of the meetings of said board; the number of directors necessary to constitute a quorum for the transaction of business; the manner of filling vacancies in office; the compensation of officers, the amount of membership fees; the manner of the placing and classifications of risks; the adjustment and collections of assessments for the payments of losses and damages sustained by members; the notification of members of assessments levied; and may embrace all other provisions, rules and regulations necessary for transacting the business of said association and for carrying into effect the purposes of this act. Said by-laws

Executive
committee.

may provide for an executive committee for such purposes as may be necessary, which committee may be appointed by said board at such time as it shall see fit and may be changed at the pleasure of said board and may require its officers to give such bonds as the interests of said association may demand. Before said association shall transact any business in either of the counties of this state, wherein the aforesaid religious societies, and such other religious societies, as shall from time to time associate themselves with them, its directors shall cause to be filed in the office of the clerk of such county a statement of the names of its officers and directors with their respective post-office addresses and a copy of the by-laws of the association then in force. And it shall be the duty of said board of directors, in the month of December in each year, to cause to be filed in the office of the clerk of each such county a statement, verified by the oath of the president of the association, showing the condition of the association at the time of such filing, including an exhibit of the amount and kind of property insured, the number of policies issued from the time of the organization of the association to the time of making such statement; the number issued during the year last past; the amount of insurance accepted, the amount withdrawn, expired and canceled during the year last past; the whole amount of insurance in force on the day of the filing of said report; the amount of money received by the association during the year last past; the amount of disbursements during said period, specifying the amount paid for fees, salaries and commissions; all amendments to the by-laws, and the names of officers and directors elected since the last annual statement and any other matters of interest to the association or the members thereof. And no other report or statement not contained in the provisions of this act and the by-laws of the association need be made by said association or its officers, except as required by law.

Statement,
etc., to be
filed be-
fore doing
business.

Annual
statement
of associa-
tion to be
filed.

Other
statements
not re-
quired.
Principal
office.

§ 5. The principal office of this association, for the transaction of

business, shall be located in the city of Rochester, Monroe county, New York.

§ 6. The directors of this association shall procure proper books in which the secretary shall cause to be kept a perfect record of all the transactions of the association and of the board of directors, and which shall show, at all times fully and truly, the condition, affairs and business of the association and shall be kept open for the inspection of every member of the association at all reasonable times. Record of transactions.

§ 7. The directors of this association may issue policies of insurance, signed by the president and secretary, agreeing, in the name of the association, to pay all damages, not exceeding the amount insured, done by fire or lightning, to churches, parsonages and their contents, sheds, barns and other property, not more hazardous, belonging to the several religious societies and to the pastors included in said association, and detached at such distances from other buildings, as the by-laws of the association may prescribe, during the period of five years from the date of the policy, or such shorter period as the by-laws of the association may prescribe; and no single risk shall exceed the sum of fifteen thousand dollars and no policy shall be issued on any building or property except parsonages and their contents, owned by a pastor who is a member of said association. This association may issue more than one policy to one member thereof owning separate or detached building or property, such as this act or the by-laws of said association permit it to insure. Every policy issued by the association shall have attached thereto or printed thereon, a copy of the by-laws and regulations of the association, or such parts thereof as shall be deemed necessary, which shall form a part of the contract between the association and the insured. Policies of insurance.
Limitation of single risks.
Copy of by-laws attached to policies.

§ 8. Every member of this association holding a policy thereof, not expired or vitiated, who has sustained a loss or damage by fire or lightning to the building or buildings or other property covered by said policy since the issue of the same shall immediately notify the secretary of the association in the manner prescribed by the by-laws of the association of his or its loss or damage, and it shall be the duty of the officers of the association to proceed at once to ascertain and adjust such loss or damage in the manner provided by said by-laws. Notice of loss or damage.

§ 9. Suits at law may be brought against any member or members of this association, in the name of the association, in any of the courts of this state having competent jurisdiction, to recover any and all assessments or assessments that any member shall have neglected or refused to pay, when levied upon it or him according to the provisions of this act and the by-laws of the association. The policy or policies held by any member of this association, who, or if a society, which neglects or refuses to pay his or its part of any assessment or assessments, or for any other reason satisfactory to the board of directors, may be canceled by said directors at any regular meeting of the board by a majority vote, and thereupon his or its membership shall terminate, and he or it shall cease to have any claim or cause of action against said association, or any member or members thereof, for any loss or damage sustained by it or him subsequent to such cancellation; but nothing herein contained shall prevent the collection of such assessments made prior to such cancellation in any suit at law. In case of the cancellation of a member's policy, as hereinbefore provided, it shall be the duty of the secretary of the association forthwith to enter such cancellation and the date thereof, on the record of the policies kept in the office of the association and to cause a notice of such can- Adjustment.
Actions for recovery of assessments.
Cancellation of policies.
Record and notice thereof.

cellation to be served upon the member holding said policy, either personally or by mail, postage prepaid, directed to said member at the post-office address named in his or its application for insurance. Any member whose policy shall be thus canceled shall forfeit all unearned money which he or it shall have contributed.

With-
drawal of
members.

§ 10. Any member of this association may withdraw therefrom and have his or its policy or policies canceled at any time, upon ten days' notice, served personally or by mail postage prepaid, upon the secretary of the association (said notice, if served by mail, to be duly addressed to said secretary at the principal office of the association) and the payment of his or its share of all existing claims against the association and the surrender of his or its policy or policies to the secretary for cancellation.

Corpora-
tion
subject to
inspection
by superin-
tendent of
insurance.

§ 11. The corporation organized under this act, together with its books, papers and vouchers, shall be subject to visitation and inspection by the superintendent of the insurance department, or such person or persons as he may designate. When said superintendent, on investigation, shall be satisfied that the corporation organized under this act has exceeded its powers, failed to comply with any provision of law, is conducting business fraudulently, or from an examination of its books, that the interests of the policy holders are not or can not be duly protected, or are jeopardized, he shall report the facts to the attorney-general, who, if he shall be of the opinion that the facts require such action, must thereupon apply to the supreme court, at a special term thereof, within the judicial district in which the principal place of business of such corporation within the state is located, for an order requiring the officers of such corporation to show cause, at a reasonable time and place within such district, why such corporation should not be restrained from continuing to transact business, with power to the said court to adjourn the hearing thereof, from time to time, not exceeding, however, sixty days in the aggregate. Such corporation shall be entitled to be heard, and to a trial by jury of the facts stated in said report, if the same shall be traversed, and to examine papers and witnesses under oath in the usual mode of trials of actions; and in case the facts thus reported shall be duly established by the finding or verdict of the jury, the court may thereupon make its order or decree closing the business of the corporation, and appointing a receiver or trustee for the distribution of its assets among its members, certificate-holders, policy-holders and creditors, or may take such other order as the interest of the corporation and the public may require. Pending the trial of the facts stated in said report, the court may, upon motion of the attorney-general, grant an injunction order restraining the corporation and its trustees, directors, managers and other officers from collecting any debt or demand and from paying out or in any way transferring or delivering to any person any money, property or effects of the corporation during the pendency of the proceedings so instituted as aforesaid, except by express permission of the court. The court may also, on motion of the attorney-general, pending the trial aforesaid, appoint one or more temporary receivers of the property of the corporation, with all the powers of such receivers as defined by section seventeen hundred and eighty-eight of the Code of Civil Procedure. No such action shall be maintained to restrain or to dissolve any such corporation except by the attorney-general in the name and in behalf of the people.

Attorney-
general,
when to
apply for
order to
restrain.

Hearing
thereon.

Court may
appoint
receiver,
etc.

Injunction,
may issue.

Temporary
receiver.

Annual
report to
insurance

§ 12. The corporation organized under this act shall, on or before the first day of March of each year, make and file with the superin-

tendent of the insurance department of this state a report of its affairs ^{depart-} and its operations during the year ending on the thirty-first day of December immediately preceding. Such reports shall be upon blank forms to be provided by such superintendent, and shall be verified under oath by the duly authorized officers of such corporation, and shall be published, or the substance thereof, in his annual report by such superintendent.

§ 13. This act shall take effect immediately.

CHAP. 135.

AN ACT further to amend chapter four hundred and sixty-three of the laws of eighteen hundred and sixty, entitled "An act to revise the charter of the city of Oswego."

APPROVED by the Governor April 6, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section seventeen of chapter three hundred and sixty seven of the laws of eighteen hundred and seventy-six which was therein made an addition to chapter four hundred and sixty-three of the laws of eighteen hundred and sixty, and which was amended by chapter four hundred and forty-one of the laws of eighteen hundred and eighty-eight, is hereby further amended so as to read as follows:

§ 17. The meetings of the said board shall be public. On or before the first Tuesday of April in each year the board of fire commissioners shall make, and certify to the common council, an estimate of the amount required to be raised for the current year to be disbursed for the benefit of the city, under the supervision of such board. Such estimate shall not exceed the sum of eighteen thousand dollars. It shall be the duty of said board of commissioners to report their expenditures to the common council monthly (or oftener if the common council require it) in detail, which reports shall be published with the proceedings of the common council. Every such report of expenditures shall state the total amount of the expenditures of said board during the fiscal year to its date, and the amount of funds in the hands of said board unexpended at its date, each stated separately. The estimate of the amount required by each board of commissioners, for each fund authorized by law to be raised as certified to the common council, shall be subject to revision and determination by the common council, provided, however, that each fund as fixed by the common council shall not be less than the minimum thereof as fixed by law, unless the board for whose use the fund is raised shall consent to a smaller sum. The common council shall annually direct and cause to be raised, as a part of the general tax, a fund for the use of the board of fire commissioners of said city, to be known as the "fire department fund." The amount to be raised for said fund shall not exceed in any year the sum of eighteen thousand dollars, and the minimum of said fund shall be twelve thousand dollars. The amount to be raised by the common council for the contingent fund shall not exceed in any year the sum of ten thousand dollars.

§ 2. This act shall take effect immediately.

CHAP. 136.

AN ACT to amend chapter three hundred and three of the laws of eighteen hundred and eighty-one, entitled "An act to amend and consolidate the charter of the village of Johnstown, and the several acts amendatory thereof."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 7, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section forty-eight of title five, chapter three hundred and three of the laws of eighteen hundred and eighty-one, entitled "An act to amend and consolidate the charter of the village of Johnstown, and the several acts amendatory thereof," is hereby amended so as to read as follows:

Proceed-
ings to ap-
propriate
lands for
streets,
etc.

Notice to
land own-
ers.

What to
specify.

Applica-
tion for
commis-
sioners of
appraisal.

§ 48. Whenever the trustees shall have determined to lay out, alter, widen, straighten or extend any street, alley, lane, sewer, highway or public ground, and to take and appropriate the land necessary for the same, and shall have determined to assess the expense of such improvement, or any part thereof as hereinafter provided, they shall give notice of such determination to the owner or owners of the land and also to all the owners whose real property the said trustees shall deem likely to be benefited by such improvement by publishing the same once in each week for two successive weeks in one or more newspapers printed in said village and by serving a copy thereof on each such owner through the post-office, if his address can with reasonable diligence be ascertained, otherwise by posting such copy upon the real property so to be taken or benefited not less than ten days before the application for the appointment of commissioners as hereinafter provided ; such notice shall specify in general terms the improvement to be made, and shall state that such owner or owners, on or before a day to be specified, may file their claim for damages, if any they have, on account of such taking or appropriation with the clerk of said village, and that the damages, if any, will be assessed and apportioned upon the real property in said village benefited thereby ; and in case any claim for damages shall be filed as aforesaid, the said trustees will apply at a time and place to be specified in said notice to some court of record, or judge or justice thereof, for the appointment of three commissioners to ascertain and assess the damages so claimed and to assess and apportion the same, if any be awarded, upon the real estate in said village benefited by the said improvement. In case no claim for damages shall be filed, as above provided, such owner or owners shall be deemed to have waived all claim to damages and to have consented and agreed to such improvement. If any such claim shall have been filed as aforesaid, the said trustees, at the time and place specified in said notice, shall make application to a court of record or judge or justice thereof, for the appointment of such commissioners, and any one to whom said notice is directed, and any owner of real property in said village likely to be benefited by such improvement shall have a right to be heard on such application, and to bring into the proceeding, on such notice as the court, judge or justice unto whom the application is made, deems sufficient, any owner of real property which

shall appear to said court, judge or justice, also likely to be benefited by such improvement. The said commissioners having been duly appointed shall enter upon the performance of their duties without delay, shall each take and subscribe an oath before some officer authorized to administer oaths, faithfully, honestly and impartially to perform his duty in making such assessment, according to the best of his ability, and shall publish a notice of the time and place of their meeting to make such assessment, directed to each owner of real property in said village so as aforesaid deemed likely to be benefited by such improvement, and to each owner having filed a claim for damages as above provided, once in each week for two successive weeks, in one or more newspapers printed in said village. At the time and place so appointed for the meeting, they shall view the premises, and in their discretion receive any legal evidence, and may, if necessary, adjourn from day to day; they shall determine and award to the owner or owners, so claiming damages as aforesaid, such damages as in their judgment such owner or owners will sustain by such improvement, after making due allowance for any benefit which such owner or owners may derive therefrom. They shall at the same time determine what real estate, if any, is benefited by such improvement, and shall assess and apportion the said damages, if any, upon such real estate, the owners of which shall have had an opportunity to be heard as aforesaid, as nearly as may be in proportion to the benefit resulting therefrom; but if the whole of such damages can not justly and equitably be assessed on the real estate as above provided, then the said commissioners shall only assess such proportion thereon as in their opinion will be equitable and just; and the balance thereof they shall assess or order to be paid by a general tax upon the village, provided said balance does not exceed the sum of fifty thousand dollars; and such balance shall thereupon become a charge upon said village and shall be added to and raised with the next general assessment or tax levy for village purposes, and the same shall be payable to the persons entitled thereto, as soon as the same shall be collected as above provided. The said commissioners shall briefly describe the real estate upon which any assessment is made by them, and shall designate the owners or occupants of the several parcels of said real estate, and what parcels, if any, are owned by non-residents, according to the best information they can obtain. If there be any building on any land, taken for such improvement, the value thereof to remove, shall be ascertained in the assessment, and the owner thereof may remove the same within ten days, or such other time as the trustees may allow after the confirmation of the return of the commissioners; and if the same shall be so removed, the value thereof as ascertained shall be deducted from any damages awarded to such owner. The determination and assessment of the commissioners shall be returned to the trustees within sixty days after their appointment. If any one of the commissioners shall be unable to serve, from sickness or other cause, the trustees may, at any time, without further notice, make application as aforesaid to have some suitable person appointed in his stead, and such court, judge or justice, shall thereupon make such appointment. After the determination and assessment of the commissioners shall be returned to said trustees, they shall give notice by publishing the same in one or more of the newspapers printed in said village, that at a time and place to be specified in said notice, the same will be confirmed, unless objections thereto be made by some person interested. All such objections shall be made in writing and filed with the clerk. If no

Duties of
commissioners.

Assessment of
damages.

Removal
of buildings.

Return of
determination.

Vacancies
in commissioners.

Confirmation of
determination and
assessment.

Proceed-
ings upon
final con-
firmation.

such objections shall have been filed, such determination and assessment may, in their discretion, be confirmed by said trustees and the same shall be final and conclusive, or the same may be annulled; but if objections shall have been filed, as aforesaid, the person so filing the same shall have a right to be heard in regard thereto, on a day specified in said notice, or on such other day or days as the trustees may appoint; and said trustees shall thereupon either confirm or annul the same. If they confirm the same, it shall be final and conclusive; but if they annul the same, they shall refer the matter back to the same commissioners, or to three others, to be appointed in the same manner, but without further notice. The commissioners shall proceed in all things in the making and return of the second assessment, as though it were the first; and the trustees shall proceed thereon as though it were an original assessment. If the trustees shall confirm the second assessment, the same shall be final and conclusive on all parties interested; but if they annul the same, then all proceedings in relation to the matter shall be null and void. After the final confirmation of such determination and assessment, the same shall be filed in the office of the village clerk, and thereupon the said trustees are authorized to cause such improvement to be made and completed, and the said assessment for said improvement shall be collected as hereinafter provided.

§ 2. This act shall take effect immediately.

CHAP. 137.

AN ACT to authorize the board of education of the city of New York to remove and reinter the human remains buried in the old burying-ground, between First and Second streets and First and Second avenues in said city, acquired for school purposes under the act, chapter one hundred and ninety-one of the laws of eighteen hundred and eighty-eight, entitled "An act to provide for the acquisition of sites for school buildings by the board of education of the city of New York."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 7, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Removal
and reinter-
ment of
remains.

SECTION 1. The board of education of the city of New York is hereby authorized to remove the human remains buried in the old burying-ground, between First and Second streets and First and Second avenues in said city, acquired for school purposes under the act chapter one hundred and ninety-one of the laws of eighteen hundred and eighty-eight, entitled "An act to provide for the acquisition of sites for school buildings by the board of education of the city of New York," and to reinter the same in any cemetery or burying-ground selected by or under the direction of the said board of education.

Expenses
thereof,
how de-
termined
and paid.

§ 2. The expenses of such removal and reinterment, to be determined by the said board of education, shall be paid by the comptroller of the city of New York, upon the requisition of said board, out of the proceeds of bonds authorized by chapter four hundred and fifty-eight of the laws of eighteen hundred and eighty-four, entitled "An act to

provide additional accommodations for the common schools in the city of New York," or by any act or acts heretofore or hereafter passed amending or extending the same.

§ 3. This act shall take effect immediately.

CHAP. 138.

AN ACT to provide for the removal of the present bridge over the Erie canal, at Rowe street, in the city of Rochester, and to provide for the construction of a lift or hoist bridge at that point, and making an appropriation therefor.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 7, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The superintendent of public works is hereby authorized to remove the present canal bridge over the Erie canal in Rowe street, in the city of Rochester, and to provide for the construction of a lift or hoist bridge over said canal, at that point, and for the necessary approaches thereto; such bridge to be constructed with the necessary machinery to operate the same upon plans and specifications to be drawn up and prepared by the state engineer and surveyor, immediately after the passage of this act. Such plans and specifications shall provide for such bridge to be built at said street, thirty feet in width, and to be constructed at a cost of not exceeding fifteen thousand dollars, including the cost of the removal of the present structure and the approaches thereto. Said bridge when complete shall be operated under the direction of the superintendent of public works at the expense of the city of Rochester, and before constructing the said bridge, the city of Rochester shall release the state from any liability that may occur in consequence of the change in the grade of the approaches to the said bridge.

Duty of superintendent of public works.

Plans and cost of bridge.

Operation of bridge.

Release of state from liability.

§ 2. Upon the completion of such plans and specifications by the state engineer and surveyor, the superintendent of public works shall proceed, as soon as practicable, with the construction of such bridge and approaches thereto, which shall be constructed in accordance with such plans and specifications, but before any money appropriated for the above-mentioned work shall be expended, except for plans, specifications and advertising, the said work shall be let by contract to the lowest responsible bidder, after duly advertising therefor, as public works are usually let by contract.

Construction of bridge.

Contract for work.

§ 3. The sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated from the general fund, for the purposes of this act, payable by the treasurer on the warrant of the comptroller, to the order of the superintendent of public works for the purposes of this act.

Appropriation.

§ 4. This act shall take effect immediately.

CHAP. 139.

AN ACT to amend chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 7, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Title four of chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages," is hereby amended by adding thereto an additional section, to be numbered section eight, as follows:

Contracts
for supply-
ing streets,
etc., with
light.

§ 8. The board of trustees shall also have power and is hereby authorized to contract with any gas company or gas and electric lighting company combined, or other person or persons for supplying the streets and public buildings of the village with light, and to assess and collect the amount agreed to be paid in such contract as other village taxes are assessed and collected, and any such contract entered into by the trustees of any village, shall be valid and binding upon such village provided, however, that no such contract shall be made (for a longer period than that now provided by law, nor for a sum exceeding in the aggregate that now provided by law) until the proposition for the same shall have been submitted to a vote of the citizens in the manner provided in sections four and five of this title and approved by a majority of the voters entitled to vote on such question, and voting at an annual election or at a special election duly called and such contract shall not be made for a term exceeding five years.

Submission
of ques-
tion in
certain
cases.

§ 2. This act shall take effect immediately.

CHAP. 140.

AN ACT further to amend chapter one hundred and eighty-three of the laws of eighteen hundred and eighty-five, entitled "An act to prevent deception in the sale of dairy products and to preserve the public health, being supplementary to and in aid of chapter two hundred and two of the laws of eighteen hundred and eighty-four, entitled 'An act to prevent deception in sales of dairy products.'"

APPROVED by the Governor April 7, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-seven of chapter one hundred and eighty-three of the laws of eighteen hundred and eighty-five, as added thereto by section one of chapter five hundred and eighty-three of the laws of eighteen hundred and eighty-seven, is hereby amended so as to read as follows:

Use of
imitation
butter,

§ 27. No keeper or proprietor of any bakery, hotel, tavern, boarding-house, restaurant, saloon, lunch counter, or place of public enter-

tainment or of any place where any person or persons, in the employ of the keeper or proprietor thereof, is furnished with board, either without charge or as compensation wholly or in part for his services, or any person having charge thereof or employed thereat, shall keep, use or serve therein, either as food for their guests, boarders, patrons or customers, or for cooking purposes, any article made in violation of the provisions of section seven of this act, as amended by chapter five hundred and seventy-seven of the laws of eighteen hundred and eighty-six. This section shall not be so construed as to require evidence of a willful or intentional violation thereof. Whoever violates the provisions of this section shall be guilty of a misdemeanor and punished by a fine of not less than fifty dollars nor more than two hundred dollars, or not less than ten days' or more than thirty days' imprisonment for the first offense, and by imprisonment for one year for each subsequent offense.

cheese,
etc., pro-
hibited.

Violation
of section.

§ 2. This act shall take effect immediately.

CHAP. 141.

AN ACT in relation to the publication of the session laws in newspapers published in the county of Kings.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 8, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All laws which, by chapter two hundred and eighty of the laws of eighteen hundred and forty-five, entitled "An act for the publication of the session laws in two newspapers in each county of this state," or by any act amendatory thereof, are required to be published in the county of Kings, shall be published in said county in four newspapers, instead of two newspapers, as heretofore provided. The printers for publishing the laws in said county shall be appointed and the designation of the newspapers shall be made as heretofore provided by said act, and the amendments thereof, except that each member of the board of supervisors of said county, at the annual meeting of said board, shall designate by ballot, two newspapers, instead of one newspaper (as heretofore provided), printed in said county to publish the laws, and the four newspapers having the highest number of votes, shall be the papers designated for printing the laws, provided two of such newspapers are of opposite politics to the other two of said newspapers, and fairly represent the two political parties into which the people of said county are divided. If the four newspapers are not so divided as to politics as that two are of opposite politics to the other two, and they do not fairly represent the two principal political parties into which the people of said county are divided, then such balloting and choice shall be of no effect, and the balloting shall continue until four newspapers are chosen as herein provided, that meet the requirements of this act. And the publishers of each of the newspapers designated as herein provided, shall be entitled to receive for such publication of all the laws so required to be published, compensation at the rate of one dollar for every folio, and the same shall be paid by the board of supervisors of the county of

Laws to be
published
in four
newspapers.

Newspapers, how
designated

Rate of
compensation.

Proviso as to designation.

Designation of papers to publish present laws.

Kings. No newspapers shall be designated under the provisions of this act, that is not published as a daily paper in said county for at least two years before being so designated.

§ 2. Immediately after the passage of this act, the board of supervisors of said county shall meet and shall designate two other newspapers in the same manner and under the same provisions of law as two newspapers have already been designated to publish the session laws for the present year. And the two newspapers to be designated as herein provided with the two newspapers heretofore designated for the present year, shall publish the session laws for the present year at the rate of compensation hereinbefore provided.

§ 3. This act shall take effect immediately.

CHAP. 142.

AN ACT further to amend chapter four hundred and five of the laws of eighteen hundred and fifty-seven, entitled "An act to reorganize the wardens' office of the port of New York.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 8, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter four hundred and five of the laws of eighteen hundred and fifty-seven, entitled "An act to reorganize the wardens' office of the port of New York," as amended by chapter five hundred and ninety-three of the laws of eighteen hundred and eighty-six, is hereby further amended so as to read as follows:

Secretary of board of wardens.

§ 2. The said board shall have power to appoint a secretary and fix his compensation, who shall hold his office during the pleasure of the board. It shall be the duty of the secretary to keep, in such books as shall be provided for the purpose, a full, true and complete record of all their acts, proceedings, moneys and reports, and such books shall be open to the public inspection of any person interested therein; and the said board of wardens shall have and use a common seal, and each warden shall have full power and authority to administer oaths, examine witnesses and take affidavits concerning the business of said office; and the said board shall also have full power to make such rules and regulations for their own government and the discharge of their duties under this act as they may deem necessary and proper. They shall keep an office in the city of New York, at which office a majority of them and their secretary shall give attendance daily (Sundays and public holidays excepted), and shall have the exclusive right to perform all the duties of port wardens of the port of New York, certified in this act. There shall be allowed and paid to said board annually, by the state, for office expenses, including office rent, fuel and lights, books of record and account, stationery and the salaries of secretary and such other employes as the board may appoint, to be fixed by the said board, not exceeding, in the aggregate, the sum of four thousand five hundred dollars for each calendar year, payable monthly, on the certificate of the president and secretary of the board, verified by their oath.

Powers and duties of board.

Annual allowance for office expenses.

§ 2. This act shall take effect immediately.

CHAP. 143.

AN ACT making an appropriation to supply a deficiency in appropriation made by chapter one hundred and sixty-eight, laws of eighteen hundred and ninety, for the purpose of improving the Black River canal.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 8, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. In addition to the sum of ten thousand dollars appropriated by chapter one hundred and sixty-eight, laws of eighteen hundred and ninety, for the purpose of improving the Black River canal, the sum of five thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of completing the work now in progress of construction, for the improvement of said Black River canal ; and the state treasurer is hereby directed to pay the above amount upon the warrant of the comptroller to the order of the superintendent of public works, as he may from time to time require during the progress of the work.

Appropriation for improving canal.

§ 2. This act shall take effect immediately.

CHAP. 144.

AN ACT making appropriations for the support of government.

APPROVED by the Governor April 8, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The several amounts named in this act are hereby appropriated and authorized to be paid from the several funds indicated, to the respective public officers, and for the several purposes specified, for the fiscal year beginning on the first day of October, in the year eighteen hundred and ninety-one, namely:

Appropriations for fiscal year beginning, October 1.

FROM THE GENERAL FUND.

EXECUTIVE DEPARTMENT.

For the governor, for salary, ten thousand dollars.

For the lieutenant-governor, for salary, five thousand dollars.

For the private secretary of the governor, for salary, four thousand dollars.

For the clerks, stenographer and messenger in the executive department, including the military secretary and messenger, for full compensation, ten thousand five hundred dollars.

For blank and other books necessary for the use of the executive department, binding, blanks, printing, stationery, telegraphing and other incidental expenses thereof, four thousand dollars.

Governor.
Lieutenant-Governor.
Private secretary.
Clerks, etc.

Office expenses.

Criminals.	For the apprehension of criminals, one thousand dollars.
Fugitives.	For the apprehension of, fugitives from justice, one thousand dollars.
Executive mansion.	For repairs, furniture and incidental expenses of the executive mansion, two thousand dollars, to be paid by the comptroller, on the certificate of the governor.
Executive clemency, expenses in applications for.	For compensation, expenses and fees of witnesses and sheriffs, upon application for executive clemency, pursuant to chapter two hundred and thirteen of the laws of eighteen hundred and eighty-seven, five hundred dollars.

JUDICIARY.

COURT OF APPEALS.

Judges.	For the judges of the court of appeals, for salaries and expenses, eighty-four thousand five hundred dollars.
State reporter.	For the state reporter, for salary, five thousand dollars, and for clerk hire and additional assistance seven thousand dollars, and for office expenses one thousand dollars.
Clerk.	For the clerk of the court of appeals, for salary, five thousand dollars.
Deputy clerk.	For the deputy clerk of the court of appeals, for salary, three thousand dollars.
Office clerks.	For clerks in the office of the clerk of the court of appeals, for salaries, six thousand one hundred dollars.
Messenger.	For the messenger to the clerk of the court of appeals, for salary, eight hundred dollars.
Office expenses.	For furniture, books, binding, blanks, printing calendars, and other necessary expenses of the office of the clerk of the court of appeals, four thousand dollars.
Crier and attendants.	For compensation of the crier and attendants of the court of appeals, ten thousand seven hundred dollars.

SECOND DIVISION OF THE COURT OF APPEALS.

Judges second division.	For the judges of the second division of the court of appeals, for salaries and expenses, eighty-four thousand dollars, payable at the same amounts as provided by law for the associate judges of the court of appeals.
Remittitur clerk.	For the remittitur clerk of the second division of the court of appeals, for salary, two thousand five hundred dollars.
Crier and attendants.	For compensation of the crier and attendants of the second division of the court of appeals, ten thousand seven hundred dollars, payable at the same amounts as provided by law for the crier and attendants of the court of appeals.

SUPREME COURT.

Justices.	For the justices of the supreme court, for salaries and expenses, two hundred and seventy-two thousand four hundred dollars.
Certain justices in second district.	For the justices of the supreme court in the second judicial district, not residing in the county of Kings, for additional compensation, pursuant to chapter seven hundred and sixty-five of the laws of eighteen hundred and sixty-eight, and chapter one hundred and twenty-six of the laws of eighteen hundred and eighty-three, five thousand dollars; and for the stenographers appointed under said first-named act, for compensation, five thousand five hundred dollars; said amounts to be paid only from
Stenographers second district.	

moneys which shall have been or shall be paid into the treasury for taxes levied for the purposes of said acts and in pursuance thereof.

For the stenographers of the supreme court, in the third, fourth, fifth, sixth, seventh and eighth judicial districts, for compensation, pursuant to sections two hundred and fifty-eight and two hundred and fifty-nine of the Code of Civil Procedure, thirty-six thousand dollars; to be refunded to the treasury as required by chapter four hundred and twenty-six of the laws of eighteen hundred and ninety.

Stenographers.

For the expenses of the general terms of the supreme court, four thousand dollars.

General terms.

For the several judicial district law libraries, six thousand six hundred dollars.

Law libraries.

OFFICE OF THE ATTORNEY-GENERAL.

For the attorney-general, for salary, five thousand dollars.

Attorney-general.

For the first and second deputies in the office of the attorney-general, for salaries, eight thousand dollars.

Deputies.

For clerks, stenographer and messenger in the office of the attorney-general, for salaries, ten thousand two hundred dollars.

Clerks, etc.

For the attorney-general, for the payment of the services of such clerical force as may be required in his office to carry out the provisions of chapter two hundred and five of the laws of eighteen hundred and eighty-three, seven thousand dollars.

Services for board of claims.

For furniture, books, binding, blanks, printing and other necessary expenses of the office of the attorney-general, seven hundred and fifty dollars.

Office expenses.

For costs of suits, fees of sheriffs, compensation of witnesses and office expenses, two thousand dollars, and the amount paid shall, in each case, be certified by the attorney-general.

Costs, witnesses, etc.

For the expenses and disbursements of the attorney-general, which shall be allowed to him in lieu of, and in full of all expenses, sixteen hundred dollars, payable quarterly.

Expenses and disbursements.

For the expenses and disbursements of the deputies of the attorney-general, while in the discharge of their duties, two thousand dollars, payable quarterly.

Ibid of deputies.

The attorney-general is hereby authorized to employ as many deputies, clerks, stenographers and messengers as he may deem necessary, and to designate their salaries, but the aggregate of the salaries of such clerical force, stenographers and messengers shall not exceed the sum of seventeen thousand two hundred dollars hereinbefore appropriated for such service.

Deputies, clerks, etc., employment and salaries of.

BOARD OF CLAIMS.

For the commissioners of claims, for salaries and expenses, sixteen thousand five hundred dollars, and the commissioners shall each receive the sum of five hundred dollars thereof, annually, payable quarterly, in full for expenses.

Commissioners of claims.

For the clerk to the commissioners of claims, for salary, four thousand dollars.

Clerk.

For the stenographer and marshal to the commissioners of claims, for compensation, three thousand seven hundred dollars.

Stenographer and marshal.

For the actual expenses of the clerk, stenographer and marshal to the commissioners of claims, while in the discharge of their respective duties at other places than the city of Albany, six hundred dollars.

Expenses.

- Commissioner.** For the commissioners of claims for use as a contingent fund, three thousand dollars.
- Deputy clerk.** For the deputy clerk to the commissioners of claims, for salary, fifteen hundred dollars.

OFFICE OF THE SECRETARY OF STATE.

- Secretary of state.** For the secretary of state, for salary, five thousand dollars.
- Deputy secretary.** For the deputy secretary of state and clerk of the commissioners of the land office, for salary and for indexing the session laws and making marginal notes thereof, four thousand dollars.
- Clerks.** For clerks in the office of the secretary of state, for salaries, twenty thousand five hundred dollars.
- Messengers.** For messengers in the office of the secretary of state, for salaries, one thousand eight hundred dollars.
- Office expenses.** For furniture, books, binding, blanks, printing and other necessary expenses of the office of the secretary of state, two thousand dollars.

OFFICE OF THE COMPTROLLER.

- Comptroller.** For the comptroller, for salary, six thousand dollars.
- Deputy.** For the deputy comptroller, for salary, four thousand dollars.
- Clerks.** For clerks in the office of the comptroller, for salaries, thirty-two thousand dollars.
- Messengers.** For messenger in the office of the comptroller, for salary, eight hundred dollars.
- Office expenses.** For furniture, books, binding, blanks, printing and other necessary expenses of the office of the comptroller, four thousand dollars.

OFFICE OF THE TREASURER.

- Treasurer.** For the treasurer, for salary, five thousand dollars.
- Deputy.** For the deputy treasurer, for salary, four thousand dollars.
- Clerks.** For clerks and messenger in the office of the treasurer, for salaries, twelve thousand dollars.
- Office expenses.** For furniture, books, binding, blanks, printing and other necessary expenses of the office of the treasurer, fifteen hundred dollars.

OFFICE OF THE STATE ENGINEER AND SURVEYOR.

- State engineer and surveyor.** For the state engineer and surveyor, for salary, five thousand dollars.
- Deputy.** For the deputy state engineer and surveyor, for salary, four thousand dollars.
- Clerks.** For clerks in the office of the state engineer and surveyor, for salaries, nine thousand two hundred dollars.
- Office expenses.** For furniture, books, binding, blanks, printing and other necessary expenses of the office of the state engineer and surveyor, two thousand dollars.

DEPARTMENT OF PUBLIC INSTRUCTION.

- Superintendent.** For the superintendent of public instruction, for salary, five thousand dollars.
- Deputy.** For the deputy superintendent of public instruction, for salary, four thousand dollars.
- Clerks, etc.** For clerks and other employes in the office of the superintendent of public instruction, for salaries, fourteen thousand seven hundred and eighty dollars.

For traveling expenses which may be incurred in the visitation of common schools, normal schools, teacher's institutes, Indian schools and other institutions under the supervision of this department and educational associations, one thousand dollars.

Traveling expenses.

For the expenses of holding examinations for commissioners' certificates, state certificates, and state scholarships in Cornell university, and for preparing and printing blanks, circulars, question papers and certificates necessary for such examinations, and for printing graduates' certificates issued by the superintendent pursuant to chapter three hundred and thirty-one of the laws of eighteen hundred and eighty-eight, five thousand dollars.

Examinations.

Graduates' certificates.

For furniture, books, binding, blanks, printing and other necessary expenses of the office of the superintendent of public instruction, four thousand dollars.

Office expenses.

RAILROAD COMMISSIONERS.

For the board of railroad commissioners, for salaries and expenses, as provided in chapter three hundred and fifty-three of the laws of eighteen hundred and eighty-two, fifty thousand dollars; which amount, together with such additional sum as may be certified to the comptroller by the attorney-general, as a reasonable compensation for services and expenses of deputies and clerks in his office in proceedings or litigation for or on account of railroad companies or in which railroad companies were parties, and such additional sum as may be certified to the comptroller by said board, for printing and binding of the additional reports of said board as provided for in section eleven of said chapter, not exceeding twenty-five hundred dollars, shall be refunded to the treasury of the state by the several corporations owning or operating railroads in this state, in such proportion as is prescribed in section thirteen of said chapter.

Commissioners.

Attorney-general's office for certain services. Reports.

Amounts, how refunded.

BANKING DEPARTMENT.

For the superintendent of the banking department, for salary, five thousand dollars.

Superintendent.

For clerk hire and for books, binding, blanks, printing and other necessary expenses of the office of the superintendent of the banking department, eighteen thousand dollars.

Clerk hire, etc., and office expenses.

The amounts required for the aforesaid salary, clerk hire and other expenses, above mentioned, shall be refunded to the treasury by the several banks, banking associations and bankers in this state in whose behalf they are incurred, pursuant to chapter one hundred and sixty-four of the laws of eighteen hundred and fifty-one, and chapter four hundred and nine of the laws of eighteen hundred and eighty-two.

Amounts, how refunded.

For carrying out the provisions of chapter five hundred and six of the laws of eighteen hundred and ninety, for the supervision of mortgage companies organized under the laws of other states, three thousand dollars, to be refunded to the treasury of the state by the licensees, upon assessment therefor, as provided in section five of said chapter.

Mortgage companies.

For carrying out the provisions of chapter four hundred and fourteen of the laws of eighteen hundred and eighty-nine, providing for reports concerning the dormant accounts in savings banks, one thousand dollars, to be assessed upon and collected from the savings banks making such reports, as provided in section five of said chapter.

Dormant accounts in savings banks.

For carrying out the provisions of chapter one hundred and

Building

and loan
associations.

twenty-two of the laws of eighteen hundred and fifty-one, and the acts amendatory thereof, providing for reports concerning building, mutual, loan and accumulating fund associations; for carrying out the provision of chapter five hundred and fifty-six of the laws of eighteen hundred and eighty-seven, providing for reports from co-operative savings and loan associations; for carrying out the provisions of chapter one hundred and forty-six of the laws of eighteen hundred and ninety, for the supervision of foreign co-operative loan and building, and other similar associations doing business in this state, and requiring reports therefrom, the sum of four thousand five hundred dollars, to be assessed and collected as provided in section six of chapter four hundred and nine of the laws of eighteen hundred and eighty-two.

INSURANCE DEPARTMENT.

Superintendent.

For the superintendent of the insurance department, for salary, seven thousand dollars.

Deputy.

For the deputy superintendent of the insurance department, for salary, four thousand five hundred dollars.

Clerk hire and office expenses.

For clerk hire and for furniture, books, binding, blanks, printing and other necessary expenses of the office of the superintendent of the insurance department, fifty-eight thousand five hundred dollars.

Additional examinations.

For additional examinations made by direction of the superintendent, and to be used in his discretion, five thousand dollars.

Expenses of attorney-general.

The amounts required for the aforesaid salaries, clerk hire and other expenses of the insurance department, and such additional sum as may be certified to the comptroller by the attorney-general as a reasonable compensation for the services and expenses of deputies and clerks in his office in proceedings or litigation for or on account of insurance companies, or in which insurance companies were parties, shall be refunded to the treasury by the several insurance companies, associations, persons and agents to whom chapter three hundred and sixty-six of the laws of eighteen hundred and fifty-nine applies.

Amounts, how refunded.

STATE ASSESSORS.

State assessors.

For the state assessors, for compensation and traveling expenses, nine thousand dollars.

COMMISSIONERS OF QUARANTINE.

Commissioners of quarantine.

To the commissioners of quarantine, for salaries, seven thousand five hundred dollars.

LAND OFFICE.

Public lands, mileage, etc.

For assessments and other expenses of the public lands, and for mileage and expenses of the speaker of the assembly for attendance as commissioner of the land office, two thousand dollars.

WEIGHTS AND MEASURES.

Superintendent of weights, etc.

For the superintendent of weights and measures, for salary, three hundred dollars.

PUBLIC OFFICES.

Postage and stationery for public offices.

For postage on official letters, documents and other matter sent by mail by the governor, secretary of state, comptroller, treasurer, attorney-general, state engineer and surveyor, superintendent of public

instruction, regents of the university, adjutant-general, inspector-general, clerk of the court of appeals, state board of charities, state board of health and state commission in lunacy, nine thousand dollars; and for stationery for the aforesaid officers and departments, nine thousand dollars.

PUBLIC BUILDINGS.

For the care, cleaning, labor, lights, salary of the superintendent of public buildings, services of orderlies and watchmen, and all necessary expenses of the public buildings, pursuant to the provisions of chapter three hundred and forty-nine of the laws of eighteen hundred and eighty-three, one hundred and sixty-five thousand dollars, provided that the orderlies and watchmen and persons employed in positions which, on March first, eighteen hundred and eighty-six, were designated on the books of the superintendent of public buildings as those of orderlies and watchmen, who shall receive any portion of said sum of one hundred and sixty-five thousand dollars for their services, shall be persons who are citizens of the state of New York, and who served in the union army and navy during the late war and have been honorably discharged therefrom, and such honorably discharged person shall not be subject to civil service rules of examination.

Superintendent, salaries, cleaning, labor, etc.

Orderlies and watchmen, qualifications for appointment.

UNIVERSITY OF THE STATE OF NEW YORK.

REGENTS' OFFICE.

For salaries of secretary, assistant secretary, bookkeeper, inspectors, clerks in charge of reports, finances, statistics and printing, stenographer, type-writer, messenger and other office assistants, for traveling expenses of regents, officers and inspectors in visitation of institutions and attending meetings; and for furniture, fittings, supplies, printing, telegraphing, repairs and other incidental expenses of the regents' office, pursuant to the provisions of chapter five hundred and twenty-nine of the laws of eighteen hundred and eighty-nine, twenty-one thousand dollars.

Regents' office.

Salaries, traveling and office expenses.

For the academic departments of union schools to be appropriated as provided by chapter five hundred and twenty-nine of the laws of eighteen hundred and eighty-nine, sixty thousand dollars.

Academic departments of union schools.

STATE LIBRARY.

For books, serials and binding, pursuant to chapter five hundred and twenty-nine of the laws of eighteen hundred and eighty-nine, fifteen thousand dollars; three thousand dollars thereof to be paid to the regents on the first day of October next, and the balance in such sums, from time to time, as shall be required by them, upon vouchers to be approved by the comptroller.

State library, books, etc., for.

For salaries of the officers and employes, including the keeper of the records authorized by chapter one hundred and twenty of the laws of eighteen hundred and eighty-one; for assistants required for supervision of the new reading rooms, for cataloguing and classifying the books, and for keeping the library open evenings and holidays, and for maintaining the duplicate department, pursuant to chapter five hundred and twenty-nine of the laws of eighteen hundred and eighty-nine, nineteen thousand nine hundred dollars.

Salaries of officers and employes.

Duplicate department.

For furniture, fittings, supplies, printing, telegraphing, repairs and

Incidental expenses.

other incidental expenses, pursuant to chapter five hundred and twenty-nine of the laws of eighteen hundred and eighty-nine, three thousand dollars.

STATE MUSEUM.

State mu-
seum.
Director
and staff.

For the preservation and increase of the collection of the state museum, and for salaries and official expenses of the director and scientific staff, including the botanist and entomologist, pursuant to chapter three hundred and fifty-five of the laws of eighteen hundred and eighty-three, nineteen thousand two hundred dollars; three thousand dollars thereof to be paid to the regents on the first day of October next, and the balance in such sums, from time to time, as shall be required by them, upon vouchers to be approved by the comptroller.

AGRICULTURE.

State
agricul-
tural so-
ciety.

County
societies
and Ameri-
can Insti-
tute.

For the promotion of agriculture in the state, forty thousand dollars; twenty thousand dollars thereof to be distributed in premiums by the State Agricultural Society, and the remaining sum of twenty thousand dollars to be so distributed by the State Agricultural Society, to the agricultural societies in counties, and to the American Institute in the city of New York, in the ratio prescribed by chapter one hundred and sixty-nine of the laws of eighteen hundred and forty-one, and entitled "An act to promote agriculture," and by chapter two hundred and ninety-nine of the laws of eighteen hundred and forty-eight, entitled "An act to provide for the distribution of the moneys appropriated to promote agriculture and for other purposes."

Experi-
ment sta-
tion at Ge-
neva.

For the necessary expenditures of the agricultural experiment station at Geneva, for salaries, labor, repairs, laboratory, farm implements, dairy, expenses of the board of control, meteorological instruments, all other necessary expenses at the station and connected therewith, forty thousand dollars.

Forest
commis-
sion, for
salaries,
expenses,
etc.

For the forest commission, for the maintenance of its work as authorized by chapter two hundred and eighty-three of the laws of eighteen hundred and eighty-five, for salaries of warden, assistant warden, secretary, clerk, two inspectors, one of whom shall be a competent surveyor, and the necessary number of forest guards, not to exceed fifteen, eighteen thousand five hundred dollars; for traveling and other necessary expenses of the commissioners, secretary, warden, assistant warden, inspectors and forest guards, for printing and office expenses, for fees of attorneys, counsel and witnesses, and for the prevention of fires, eleven thousand five hundred dollars.

Salaries,
how fixed.

The forest commissioners shall fix the salaries of the employes aforesaid, pursuant to said chapter two hundred and eighty-three, but the aggregate of such salaries shall not exceed the sum of eighteen thousand five hundred dollars.

Dairy com-
missioner,
for salaries
and ex-
penses.

For the New York state dairy commissioner, for salaries and all necessary expenses in prosecuting the work of the commission, pursuant to chapter two hundred and two of the laws of eighteen hundred and eighty-four, chapter one hundred and eighty-three of the laws of eighteen hundred and eighty-five and the acts amendatory thereof, chapter five hundred and fifteen of the laws of eighteen hundred and eighty-nine, and chapter two hundred and ninety-eight of the laws of eighteen hundred and eighty-eight, ninety-five thousand dollars, out of which amount the said commissioner shall receive an annual salary of three thousand dollars.

COMMISSIONER OF THE NEW CAPITOL.

For the commissioner of the new capitol, for salary, seven thousand five hundred dollars. Commissioner of new capitol.

LEGISLATURE.

For the compensation and mileage of members and officers of the legislature, three hundred and forty-five thousand dollars. Pay and mileage.

For advances by the comptroller to the clerks of the senate and assembly for contingent expenses, twenty thousand dollars. Advances to clerks.

For postage, expenses of committees, compensation of witnesses, legislative manual, Croswell's manual, clerk's manual, indexing the bills, journals and documents of the senate and assembly, and other contingent expenses of the legislature, eighteen thousand dollars. Postage, expenses, manuals, etc.

STATE PRINTING.

For the legislative printing for the state, including binding, mapping, lithographing and engraving; publication of the official canvass and official notices provided by law, which are subjects of contract, one hundred and twenty-five thousand dollars. Legislative printing.

STATE PRISONS.

For the support and maintenance of the several state prisons, pursuant to chapter three hundred and eighty-two, of the laws of eighteen hundred and eighty-nine, and for the ordinary repairs of the prisons and supplying water therefor, four hundred and fifty thousand dollars. Maintenance, repairs, etc.

For the superintendent of state prisons, for salary, six thousand dollars. Superintendent.

For the necessary traveling expenses of the superintendent and his clerk, five hundred dollars. Travelling expenses.

For necessary clerk hire and copying and a messenger, and for postage, stationery and other incidental expenses, four thousand nine hundred and fifty dollars. Clerk hire, etc.

For compensation of sheriffs for the transportation of convicts to prisons, asylum for insane criminals, penitentiaries and houses of refuge, fifteen thousand dollars. Transportation of convicts.

For the maintenance of convicts sentenced to penitentiaries, in pursuance of chapter one hundred and fifty-eight of the laws of eighteen hundred and fifty-six, chapter five hundred and eighty-four of the laws of eighteen hundred and sixty-five, chapter six hundred and sixty-seven of the laws of eighteen hundred and sixty-six, chapter five hundred and seventy-four of the laws of eighteen hundred and sixty-nine, chapter two hundred and forty-seven of the laws of eighteen hundred and seventy-four, chapter five hundred and seventy-one of the laws of eighteen hundred and seventy-five and chapter four hundred and ninety of the laws of eighteen hundred and eighty-five, fifty thousand dollars. Maintenance of certain convicts in penitentiaries.

DISCHARGED CONVICTS.

For the maintenance of the state agency for discharged convicts, pursuant to chapter four hundred and twenty-four of the laws of eighteen hundred and seventy-seven, five thousand dollars; and for the state agent, for salary, two thousand five hundred dollars. State agency for discharged convicts.

ASYLUM FOR INSANE CRIMINALS.

Insane criminals, support of. For the support and maintenance of the asylum for insane criminals and for the ordinary repairs of the asylum, thirty thousand dollars.

Officers, salaries of. For the resident officers of the asylum for insane criminals, for salaries, eight thousand one hundred dollars.

STATE REFORMATORY.

Maintenance and repairs. For the New York state reformatory, at Elmira, for maintenance and ordinary repairs, thirty thousand dollars; and the further sum of one hundred and twenty thousand dollars, for the same purposes, and for the purchase of material, and for expenses of manufacturing, pursuant to chapter four hundred and twenty-seven of the laws of eighteen hundred and seventy.

Manufacturing expenses.

INDIAN AFFAIRS.

Indian annuities. For the payment of the annuities to the several Indian tribes, as follows:

To the Onondagas, two thousand four hundred and thirty dollars.

To the Cayugas, two thousand three hundred dollars.

To the Senecas, five hundred dollars.

To the Saint Regis, two thousand one hundred and thirty-one dollars and sixty-seven cents.

For the relief of the Onondaga Indians, three hundred dollars.

Compensation of agents. For compensation of the agent of the Onondaga Indians, two hundred dollars.

For compensation of the agent of the Onondaga Indians, pursuant to chapter one hundred and seventy-eight of the laws of eighteen hundred and forty-seven, and chapter six hundred and thirty-five of the laws of eighteen hundred and sixty-nine, sixty-five dollars.

For compensation of the agent of the Onondaga Indians residing on the Allegany and Cattaraugus reservation, one hundred and fifty dollars.

Compensation of attorneys. For compensation of the attorney of the Saint Regis Indians, one hundred and fifty dollars.

For compensation of the attorney of the Seneca Indians, one hundred and fifty dollars.

For compensation of the attorney of the Tonawanda band of Seneca Indians, one hundred and fifty dollars.

ONONDAGA SALT SPRINGS.

Salaries and expenses. For the salary of the superintendent, compensation of clerks and other persons employed, and the necessary expenses of the Onondaga salt springs, pursuant to chapter three hundred and forty-six of the laws of eighteen hundred and fifty-nine, sixty-four thousand dollars.

NATIONAL GUARD.

National guard, expenses of. For expenses of the national guard of the state of New York, four hundred thousand dollars, and it shall be the duty of the adjutant-general to file with the comptroller an itemized statement of the expenditure of the same.

CIVIL SERVICE COMMISSION.

For the civil service commissioners, for salaries, six thousand dollars, and for the actual and necessary traveling expenses of said commissioners in the discharge of their duties, one thousand eight hundred dollars. Salaries and traveling expenses.

For local examinations, two thousand one hundred dollars. Examinations.

For the chief examiner, for salary, three thousand six hundred dollars, and for his necessary traveling expenses incurred in the discharge of his duty, eight hundred dollars. Chief examiner.

For a secretary, stenographer, and a copyist and messenger, for salaries, to be fixed by the commission, two thousand nine hundred dollars, and for traveling expenses of the secretary, five hundred dollars. Secretary and employees.

For books, printing and stationery and other necessary expenses of the office of the civil service commissioners, one thousand five hundred dollars. Office expenses.

BUREAU OF LABOR STATISTICS.

For the commissioner of statistics of labor, for salary, three thousand dollars. Commissioner.

For the clerk of the commissioner of statistics of labor, for salary, two thousand dollars. Clerk.

For the commissioner of statistics of labor, for the actual and necessary expenses of his office, twenty thousand dollars. Expenses.

COMMISSION OF FISHERIES.

For the commissioners of fisheries, to be expended as they may deem proper, upon vouchers to be approved by the comptroller, for the purpose of replenishing the lakes, rivers and other waters of this state with fish, as provided in chapter two hundred and eighty-five of the laws of eighteen hundred and sixty-eight, chapter five hundred and sixty-seven of the laws of eighteen hundred and seventy, chapter seventy-four of the laws of eighteen hundred and seventy-three, chapter five hundred and twenty-three of the laws of eighteen hundred and seventy-five, chapter three hundred and nine of the laws of eighteen hundred and seventy-nine, and chapter two hundred and ninety-three of the laws of eighteen hundred and eighty-seven, thirty thousand dollars. Replenishing waters with fish.

For the clerk of the commissioners of fisheries, for salary, one thousand five hundred dollars; and for the actual and necessary expenses for carrying out the provisions of chapter five hundred and eighty-four of the laws of eighteen hundred and eighty-seven, two thousand five hundred dollars. Clerk.
Expenses as to shell fish tracts.

For the state oyster protector, for salary, one thousand dollars; and for his actual traveling and incidental expenses and for the salary of an assistant, pursuant to chapter three hundred of the laws of eighteen hundred and eighty-six, seven hundred and fifty dollars. Oyster protector and assistant.

ROADS.

For payment to commissioners, of money received into the treasury for taxes of non-residents, appropriated for the construction of roads, three hundred dollars. Non-resident highway taxes.

COUNTY TREASURERS.

For advances to county treasurers on account of taxes on property Non-resi-

dent prop- of non-residents, which may be returned to the comptroller's office,
erty taxes. and for adjusting accounts of state taxes with counties, thirty thou-
sand dollars.

TRANSPORTATION.

Transportation. For expenses of transportation of the session laws, journals and
documents of the legislature, reports, books and packages, by express,
Boxes. for public officers, and for expenses of boxes therefor, seven thousand
dollars.

REPAYMENT OF MONEYS.

Land re- For repayment of money to purchasers, upon redemption of lands
demptions. sold for taxes, the sum of thirty thousand dollars remaining unexpended
of appropriations heretofore made therefor, is hereby reappropriated.

Erroneous For repayment of money erroneously paid into the treasury for taxes,
taxes. the sum of thirty thousand dollars remaining unexpended of appropria-
tions heretofore made therefor, is hereby reappropriated.

Failure of For repayment of money in cases of failure of title to land sold by
titles. the state, one thousand dollars.

Mistakes. For repayment of money paid into the treasury through mistake,
five hundred dollars.

SOLDIERS AND SAILORS' HOME.

Mainten- For the support and maintenance of the New York state soldiers
ance, re- and sailors' home, for the transportation of applicants for admis-
pairs, etc. sion and for ordinary repairs, one hundred and forty thousand dollars.

STATE BOARD OF HEALTH.

Mainten- For the state board of health, for the maintenance of its work, as
ance of authorized by chapter three hundred and twenty-two of the laws of
work. eighteen hundred and eighty, twenty thousand dollars, out of which
sum the secretary shall receive an annual salary of three thousand five
hundred dollars.

Secretary. For the state board of health, for the administration of the food
and drug, and oil laws; to compensate chemists and inspectors; to pur-
Adminis- chase samples and to defray all incidental expenses; five thousand
tration of dollars.
laws.

DEAF AND DUMB.

Institute For the support and instruction of three hundred and thirty pupils
New York. at the institute for deaf and dumb, in New York, in addition to the
sum of sixty-nine thousand three hundred and twenty-nine dollars and
ninety-four cents, remaining unexpended of appropriations heretofore
made therefor, which is hereby reappropriated for the current and the
next fiscal years, the further sum of thirteen thousand one hundred
and seventy dollars and six cents.

Institution For the support and instruction of one hundred and twenty pupils
for im- at the institution for the improved instruction of deaf-mutes, in New
proved in- York, in addition to the sum of twenty-three thousand six hundred
struction. and thirty-eight dollars and ninety-four cents, remaining unexpended
New York. of appropriations heretofore made therefor, which is hereby reappropriated for the current and the next fiscal years, the further sum of six
thousand three hundred and sixty-one dollars and six cents.

For the support and instruction of ninety pupils at Le Conteulx St. Mary's institution for the improved instruction of deaf-mutes, at Buffalo, in addition to the sum of eighteen thousand three hundred and fifty-nine dollars and three cents, remaining unexpended of appropriations heretofore made therefor, which is hereby reappropriated for the current and the next fiscal years, the further sum of four thousand one hundred and forty dollars and ninety-seven cents.

Le Cou-
teulx St.
Mary's,
Buffalo.

For the support and instruction of one hundred and thirty-five pupils at the Central New York institution for the improved instruction of deaf-mutes, at Rome, in addition to the sum of twenty-four thousand nine hundred and twenty-four dollars and forty-six cents, remaining unexpended of appropriations heretofore made therefor, which is hereby reappropriated for the current and the next fiscal years, the further sum of eight thousand eight hundred and twenty-five dollars and fifty-four cents.

Central
New York,
Rome.

For the support and instruction of one hundred and seventy pupils at the St. Joseph's institution for the improved instruction of deaf-mutes, at Fordham, in addition to the sum of thirty-four thousand two hundred and thirty-four dollars and eighty-five cents, remaining unexpended of appropriations heretofore made therefor, which is hereby reappropriated for the current and the next fiscal years, the further sum of eight thousand two hundred and sixty-five dollars and fifteen cents.

St.
Joseph's,
Fordham.

For the support and instruction of one hundred and fifteen pupils at the Western New York institution for the improved instruction of deaf-mutes at Rochester, in addition to the sum of fourteen thousand six hundred and seventy-three dollars and nineteen cents, remaining unexpended of appropriations heretofore made therefor, which is hereby reappropriated for the current and the next fiscal years, the further sum of fourteen thousand and seventy-six dollars and eighty-one cents.

Western
New York,
Rochester.

For the support and instruction of sixty pupils at the Northern New York institution for deaf-mutes, at Malone, in addition to the sum of ten thousand eight hundred and ninety-six dollars and ninety-one cents, remaining unexpended of appropriations heretofore made therefor, which is hereby reappropriated for the current and the next fiscal years, the further sum of four thousand one hundred and three dollars and nine cents.

Northern
New York,
Malone.

A proportionate amount for a shorter period of time than one year, or for a smaller number of pupils in each case, shall be allowed in each of the last seven items, and paid by the comptroller, upon the certificate, verified by oath of the president and secretary of such institution, and upon the approval of the superintendent of public instruction.

Payments,
how made.

BLIND.

For the support and instruction of two hundred pupils, one year, at the institution of the blind, in New York, in addition to the sum of twenty-four thousand six hundred and sixty-seven dollars and seventy-five cents, remaining unexpended of appropriations heretofore made therefor, which is hereby reappropriated for the current and the next fiscal years, the further sum of twenty-five thousand three hundred and thirty-two dollars and twenty-five cents, or a proportionate amount for a shorter period of time than one year, or for a smaller number of pupils, as shall be duly verified by the affidavits of the president and secretary of the institution.

Institution,
New York
city.

Payments,
how made.

For the maintenance and instruction of the inmates of the institu-

Institution,
Batavia.

tion for the blind at Batavia, and for the ordinary repairs of buildings, forty thousand dollars.

JUVENILE DELINQUENTS.

Society for
reforma-
tion of
juvenile
delin-
quents.
Transpor-
tation.

For the society for the reformation of juvenile delinquents in the city of New York, one hundred and ten thousand dollars. But of the sum hereby appropriated, a sufficient amount shall be set aside to pay the transportation of all inmates, on their absolute or conditional release, at the rate of four cents per mile to the place of their residence or conviction; and each inmate so released must be paid the appropriate portion of the sum above named.

State in-
dustrial
school.

For the state industrial school, at Rochester, one hundred and forty thousand dollars.

ASYLUMS AND HOSPITALS.

THOMAS ASYLUM.

Indian
children,
education
of.

For the Thomas asylum for orphan and destitute Indian children, for the education of one hundred children, for one year, ten thousand dollars, or a proportionate amount for a shorter period of time than one year, or for a smaller number of pupils, as shall be duly verified by the affidavits of the president and secretary of the institution; and for teachers' wages, one thousand dollars.

SYRACUSE STATE INSTITUTION FOR FEEBLE-MINDED CHILDREN.

Syracuse
institution.

For the Syracuse state institution for feeble-minded children, eighty-one thousand dollars.

CUSTODIAL ASYLUM.

Custodial
asylum.

For the support and maintenance of the inmates of the custodial asylum, for the services of the attendants therein, and for other necessary expenses, and the ordinary repairs of the asylum, forty thousand dollars.

UTICA STATE HOSPITAL.

State hos-
pitals,
Utica, for
salaries.

For the officers of the Utica state hospital, for salaries, fifteen thousand dollars.

WILLARD STATE HOSPITAL.

Willard,
for
salaries.

For the officers of the Willard state hospital, for salaries, sixteen thousand nine hundred dollars.

MIDDLETOWN STATE HOMŒOPATHIC HOSPITAL.

Middle-
town, for
salaries.

For the officers of the Middletown state homœopathic hospital, for salaries, thirteen thousand five hundred dollars.

HUDSON RIVER STATE HOSPITAL.

Hudson
river,
for
salaries.

For the officers of the Hudson river state hospital, for salaries, sixteen thousand five hundred dollars.

BINGHAMTON STATE HOSPITAL.

Bingham-
ton, for
salaries.

For the officers of the Binghamton state hospital, for salaries, thirteen thousand five hundred dollars.

BUFFALO STATE HOSPITAL.

For the officers of the Buffalo state hospital, for salaries, thirteen thousand dollars. Buffalo, for salaries.

SAINT LAWRENCE STATE HOSPITAL.

For the officers of the Saint Lawrence state hospital, for salaries twelve thousand two hundred dollars. St. Lawrence, for salaries.

HOUSE OF REFUGE FOR WOMEN, AT HUDSON.

For compensation of the officers and employes of the house of refuge for women, at Hudson, for the maintenance of the institution and for the transportation of the convicts, fifty thousand dollars. House of refuge for women.

STATE COMMISSION IN LUNACY.

For the commissioners in lunacy, for salaries and necessary expenses, nineteen thousand dollars. Commissioners in lunacy.

STATE BOARD OF CHARITIES.

For the secretary of the state board of charities, for salary, three thousand five hundred dollars, and for the traveling expenses of the commissioners and the secretary, and for office expenses and clerk hire, five thousand dollars. Secretary. Traveling and office expenses.

For the support and care of state paupers, forty thousand dollars; and it shall be the duty of said board, in their annual report to the legislature, to give a complete and itemized statement of the expenditures for state paupers during the preceding fiscal year. State paupers.

STATE BOARD OF MEDIATION AND ARBITRATION.

For the members, officers and employes of the state board of mediation and arbitration, for salaries and actual and necessary expenses, fifteen thousand dollars. Board of mediation and arbitration.

FACTORY INSPECTORS.

For the factory inspector, assistant and deputy factory inspectors and employes, for salaries and for actual and necessary expenses, thirty-one thousand dollars. Factory inspectors.

NIAGARA RESERVATION.

For the commissioners of the state reservation, at Niagara, for salary of secretary and for actual and necessary expenses, twenty thousand dollars. State reservation, Niagara.

MISCELLANEOUS.

For supplying other states with reports of the court of appeals and the supreme court, seven hundred and fifty dollars. Law reports.

For the expenses of the board of pilot commissioners, four thousand five hundred dollars. Pilot commissioners.

For the inspector of gas meters, for salary and contingent expenses, two thousand five hundred dollars; but no payment shall be made by the comptroller towards such salary and expenses until an amount Inspector of gas meters.

equal to such payments shall have been received by him for such purpose from the gas-light companies of the state.

Shore
inspector.

For the shore inspector, for salary and expenses, twenty-seven thousand dollars; payable as provided in chapter six hundred and four of the laws of eighteen hundred and seventy-five, chapter four hundred and sixty-three of the laws of eighteen hundred and eighty, chapter four hundred and fourteen of the laws of eighteen hundred and eighty-five, and chapter six hundred and thirty of the laws of eighteen hundred and eighty-six.

Washing-
ton head-
quarters.

For the trustees of Washington head-quarters, at Newburgh, for compensation of the superintendent, and for the care, maintenance, repairs and improvement of the grounds, one thousand dollars.

Senate
house,
Kingston.
Game and
fish pro-
tectors.

For the trustees of public buildings, for the salary of the keeper of the senate house property, at Kingston, six hundred dollars.

For the compensation of the game and fish protectors, pursuant to chapter five hundred and ninety-one of the laws of eighteen hundred and eighty, chapter three hundred and seventeen of the laws of eighteen hundred and eighty-three, and chapter five hundred and seventy-seven of the laws of eighteen hundred and eighty-eight, fifteen thousand dollars.

PAYABLE FROM THE FREE SCHOOL FUND.

Common
schools.

For the support of the common schools of the state, three million five hundred thousand dollars.

Normal
and train-
ing school.

For the support and maintenance of the state normal and training schools, located as follows :

At Albany, twenty-six thousand dollars.

At Buffalo, nineteen thousand dollars.

At Brockport, twenty thousand dollars.

At Cortland, twenty-one thousand dollars.

At Fredonia, nineteen thousand five hundred dollars.

At Geneseo, twenty-one thousand dollars.

At New Paltz, eighteen thousand dollars.

At Oswego, twenty-one thousand dollars.

At Oneonta, eighteen thousand five hundred dollars.

At Plattsburgh, eighteen thousand dollars; and

At Potsdam, twenty-one thousand dollars.

School
registers.

For the department of public instruction, for printing and binding fifteen thousand school registers, pursuant to chapter five hundred and fifty-five, title one, section nineteen of the laws of eighteen hundred and sixty-four, and for printing and binding twenty-five thousand copies of trustees' reports, and for packing and boxing the same, five thousand two hundred dollars.

Trustees
reports.

Teachers'
institutes.

For the maintenance of teachers' institutes, pursuant to chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, and for the preparation of question papers, and the supervision of examinations for state certificates and uniform commissioners' certificates by institute conductors, twenty-five thousand dollars.

Examina-
tions.

School
commis-
sioners.

For the commissioners of common schools, for salaries, one hundred and fifteen thousand five hundred dollars.

Teachers'
classes.

For instruction and supervision of classes of common school teachers in the academies and union schools designated by the superintendent of public instruction, pursuant to chapter one hundred and seventy of the laws of eighteen hundred and ninety, thirty thousand dollars.

PAYABLE FROM THE COMMON SCHOOL FUND.

CAPITAL

For investment of the capital of the common school fund, pursuant to chapter one hundred and ninety-four of the laws of eighteen hundred and fifty-nine, fifty thousand dollars.

Investment of capital.

REVENUE.

For dividends to common schools, one hundred and seventy thousand dollars.

For support of Indian schools, six thousand dollars.

For refunding money paid into the treasury, for redemption of lands sold for arrears of taxes, five hundred dollars.

For refunding surplus moneys received on resales of land, five hundred dollars.

For expenses of lands, two hundred dollars.

Dividends to schools.

Indian schools.

Redemptions.

Resales of lands.

Expenses of land.

PAYABLE FROM THE LITERATURE FUND.

REVENUE.

For dividends to be apportioned by the regents to the academies of the university, twelve thousand dollars.

Dividends to academies.

PAYABLE FROM THE UNITED STATES DEPOSIT FUND.

CAPITAL.

For investment of the United States deposit fund, one hundred thousand dollars.

Investment of fund.

REVENUE.

For dividends to common schools, seventy-five thousand dollars.

For dividends to be apportioned by the regents to the academies of the university, thirty-four thousand dollars.

For amount to be added to the capital of the common school fund, twenty-five thousand dollars.

For instruction and supervision of classes of common school teachers in the academies and union schools designated by the superintendent of public instruction, thirty thousand dollars.

For establishing and conducting examinations in accordance with chapter four hundred and twenty-five of the laws of eighteen hundred and seventy-seven, and for conducting preliminary examinations for law students, as prescribed by the rules of the court of appeals, in pursuance of section one hundred and ninety-three of the Code of Civil Procedure, and for medical students as prescribed by chapter four hundred and sixty-eight of the laws of eighteen hundred and eighty-nine, twenty-one thousand five hundred dollars.

For refunding money erroneously paid into the treasury, one thousand dollars.

Dividends to schools and academies.

Addition to capital.

Teachers' classes.

Regents' examinations.

Law and medical students, examinations for.

Erroneous payments.

LAND SCRIP FUND.

REVENUE.

For the Cornell university, twenty thousand dollars, pursuant to chapter five hundred and eighty-five of the laws of eighteen hundred and sixty-five.

Cornell university.

MILITARY RECORD FUND.

REVENUE.

Bureau of
military
records.

Appropriations, how
paid.

Drawing of
warrant.

Detailed
statements
required.

Personal
expenses.

Verifica-
tion of ac-
counts.

Receipted
bills to be
furnished.

Treasurer's
report.

Managers,
etc., not to
be inter-
ested in
purchases.

For the expenses of the bureau of military records, one thousand five hundred dollars.

The several amounts herein appropriated shall be paid by the treasurer from the respective funds, as specified, and the salaries named shall be established and fixed by this act, for the several officers for whom they are designed, but the comptroller shall not draw his warrant for the payment of the several amounts heretofore named, except for salaries and other expenditures and appropriations, the amounts of which are duly established and fixed by law, until the persons demanding them shall present to him a detailed statement thereof, in items, and shall make all reports required of them by law; and if such account shall be for services, it must show when, where and under what authority they were rendered; if for expenditures, when, where and under what authority they were made; if for articles furnished, when and where they were furnished, to whom they were delivered and under what authority; and if the demand be for traveling expenses, the account must also specify the distance traveled, the places of starting and destination, the duty or business, and all the dates and items of expenditure. But no payments shall be made to any salaried state officer or commissioner, except to commissioners of the land office and the trustees of public buildings, for personal expenses incurred by them while in the discharge of their duties, as such commissioners or trustees, at Albany.

All accounts must be verified by affidavit, to the effect that the account is true, just and correct, and that no part thereof has been paid, but is actually due and owing.

On all accounts for transportation, furniture, blank and other books, purchased for the use of offices, binding, blanks, printing, stationery, postage, cleaning and other necessary and incidental expenses, a bill duly receipted must also be furnished; and it shall be the duty of the treasurer to report annually to the legislature the details of these several expenditures.

No manager, trustee or other officer of any state charitable or other institution receiving moneys from the state treasury, in whole or in part, for the maintenance or support, shall be interested in any purchase or sale by any of said officers for any of said institutions.

CHAP. 145.

AN ACT to amend chapter three hundred and thirty-eight of the laws of eighteen hundred and eighty-four, entitled "An act to amend the charter of the Agricultural Insurance Company of Watertown, New York."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 9, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of chapter three hundred and thirty-eight of the laws of eighteen hundred and eighty-four, entitled "An act to amend the charter of the Agricultural Insurance Company of Watertown, New York," is hereby amended so as to read as follows: Charter amended.

§ 3. This company is formed to make insurance on the joint stock plan, against loss or damage by fire or lightning, on farm property, private residences, barns and outbuildings, with their contents, and on other property not more hazardous; and it shall be confined in its business to such risks. Object of company.

§ 2. This act shall take effect immediately.

CHAP. 146.

AN ACT to provide for the purchase of current law books and continuation of current law reports for the senate library, and making an appropriation therefor.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 9, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of two hundred and eighty dollars, or so much of it as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purchase of current law books and continuation of current law reports in the maintenance of the senate library. The sum so appropriated to be paid upon vouchers certified by the clerk of the senate and approved by the comptroller. Appropriation.

§ 2. This act shall take effect immediately.

CHAP. 147.

AN ACT making an appropriation for putting a new roof on the state armory at Rochester, and for repairs to the armory.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 9, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. The sum of three thousand dollars, or so much thereof as may be necessary, is hereby appropriated to defray the expense of putting a new roof on the state armory at Rochester, and for necessary repairs to said armory, said amount to be paid by the treasurer on the warrant of the comptroller on bills for said work and repairs, approved by the adjutant-general.

§ 2. This act shall take effect immediately.

CHAP. 148.

AN ACT to legalize and confirm the proceedings of the board of park commissioners of the city of Buffalo in ordering and contracting for paving the "Circle" and parts of streets approaching the same, and of the common council of said city in ordering an assessment therefor.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 9, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Paving, etc., of "Circle" and approaches, legalized.

SECTION 1. All and singular the acts and proceedings of the board of park commissioners of the city of Buffalo in adopting and publishing a notice of intention for and in ordering the work of paving the "Circle" and repaving and relaying the pavement in parts of Porter avenue and Pennsylvania street included in the specifications and shown upon the plan on file in the office of said board, the contract for which work was awarded to the Barber Asphalt Paving Company by resolution of said board on the third day of September, eighteen hundred and eighty-nine, and the contract entered into pursuant thereto between said paving company and said board, dated October eighteenth, eighteen hundred and eighty-nine and now on file in the office of said board, and the action of the common council in estimating and determining the amount of expense to be assessed and in ordering the assessment for said improvement on the ninth day of September, eighteen hundred and eighty-nine be and the same are hereby in all respects legalized and confirmed.

Proviso.

§ 2. This act shall not affect any litigation pending at the time of the passage hereof.

§ 3. This act shall take effect immediately.

CHAP. 149.

AN ACT to amend chapter five hundred and two, laws of eighteen hundred and eighty-five, entitled "An act to make the office of county clerk, of Erie county a salaried office and regulating the management of said office."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 9, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of chapter five hundred and two of the laws of eighteen hundred and eighty-five, entitled "An act to make the office of county clerk of Erie county a salaried office and regulating the management of said office," is hereby amended so as to read as follows:

§ 3. All the fees, emoluments and perquisites which such clerk shall charge or receive, or to which he is legally authorized, required or entitled to charge or receive shall belong to the county of Erie. It shall be his duty to exact, collect and receive all such fees, emoluments and perquisites now permitted by law, and not exceeding amounts now fixed by law, as from time to time shall be prescribed by resolution of the board of supervisors of said county at any special or annual session thereof, except that the charge for filing, entering or recording judgments, decrees, orders, deeds and mortgages shall be and remain the same as provided by statute, provided, however, that any resolution thus passed by said board of supervisors shall be general in its character establishing a uniform rate of charges, and no resolution changing the fees to be charged shall be passed, except at the regular annual session, after the adoption of a resolution prescribing the same after the passage of this act. Said clerk shall require payment in advance for recording all papers left with him for record, and shall also in each case require payment for all other services rendered by him or his assistants in his or their official capacity by virtue of any law of this state or by order of the board of supervisors of said county.

Fees, etc., to belong to county.

Collection thereof, by clerk.

Rates to be uniform, and how adopted.

Prepayment of fee.

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed.

Repeal.

§ 3. This act shall take effect immediately.

CHAP. 150.

AN ACT to amend chapter two hundred and ninety-eight of the laws of eighteen hundred and eighty-three, entitled "An act to provide for the government of the city of Albany."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 9, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of title seventeen of chapter two hundred and ninety-eight of the laws of eighteen hundred and eighty-three, en-

titled "An act to provide for the government of the city of Albany," is hereby amended so as to read as follows:

Council
may take
lands for
public im-
prove-
ments.

Petition
for open-
ing and ex-
tending
streets,
etc.

§ 1. It shall be lawful for the common council of the said city, whenever it shall deem it necessary, by a vote of two-thirds of all the members elected to said common council, to be taken by yeas and nays, which vote shall be entered in the minutes, to take within the city any ground or real estate with the appurtenances, belonging to any person or persons or corporation, for the purpose of laying out, opening, extending, straightening, widening or altering any street, road, avenue, park, square, wharf or slip, or for the purpose of laying out, constructing or maintaining any drain, sewer, culvert or aqueduct, or for any other public purpose or use. Provided no ground or real estate shall be taken under this act for the laying out, extending or opening of any street or avenue, unless a petition asking for the same shall have been presented to the common council, duly signed and acknowledged by one or more persons owning not less than one-third of the number of feet fronting on said proposed street or avenue, as provided by section twenty-nine, title three of this act in relation to filling, forming and paving streets and avenues.

§ 2. This act shall take effect immediately.

CHAP. 151.

AN ACT to provide for the construction of certain public buildings in the city of Albany.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 9, 1891 Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Public
building
commis-
sioners.

SECTION 1. The mayor of the city of Albany is hereby authorized to appoint four reputable persons who shall be residents and freeholders of said city, who, together with the mayor of the city, for the time being, shall be commissioners to construct the buildings hereinafter mentioned, and who shall be styled "the public building commissioners of the city of Albany." The said commissioners so appointed shall hold their office until the completion of the said public buildings, and any vacancy occurring in their number by death, resignation, removal from the city or other disability, shall be filled by the mayor of said city by certificate under the hand of said mayor, filed with the clerk of the common council of the city of Albany. The said commissioners shall serve without any compensation for their services under this act. The mayor shall assign or appoint a clerk to said commissioners who shall receive a compensation at the rate of not exceeding one thousand dollars per year, who shall keep a record of all their transactions and perform such other service, as may be required of him by said commission.

Clerk to
commis-
sioners.

School
buildings,
repair and
erection
of.

§ 2. The commission herein provided for shall have power and authority to repair the high school building and erect an addition thereto upon the lot next adjoining said high school building upon the east, and to erect not exceeding three public school buildings at such places within the city of Albany as the board of public instruction of the city of Albany may select. The aggregate expense of such re-

pairs and construction of buildings shall not exceed the sum of one hundred and ninety thousand dollars. They shall also have power and authority to erect not exceeding four buildings for the use of the fire department of the city of Albany, to be located at such points within the city of Albany as they may select, and at an aggregate expense of not exceeding fifty thousand dollars. They shall also have power to erect one station-house for the use of the police department of the city of Albany, at such place within the city as they may select, at an expense of not exceeding twelve thousand dollars. And for the purpose of erecting such buildings the said commissioners may use such land now owned by the city of Albany, or any department, board or commission thereof, as they may deem necessary, and in the event of its being necessary for the erection of said buildings, or any or either of them, for the said commissioners to acquire title to any land not now owned by the city of Albany, or any department, board or commission thereof, they may, in the event of their being unable to agree with the owner or owners of said property, direct the corporation counsel of the city of Albany, to take the proceedings mentioned in title seventeen of chapter two hundred and ninety-eight of the laws of eighteen hundred and eighty-three, for the purposes of acquiring the land so deemed necessary by them.

Buildings
for fire de-
partment.

Station-
house.

Lands for
erection of
buildings.

Proceed-
ings for
acquiring
title.

§ 3. The said commissioners shall, within thirty days after their appointment, determine upon the sites for the erection of the buildings provided for by this act, excepting the sites for the school buildings which shall be selected as hereinafter provided, and as soon thereafter as title to the land necessary for the erection of said buildings shall be vested in the city, the said commissioners shall solicit, by public advertisement, plans or plans and specifications for the erection and construction of said buildings, or of such of them as the city shall then own the site of, and may make such compensation as they may deem proper to the person or persons furnishing plans or plans and specifications for the construction thereof, which plans and specifications shall be opened for public inspection at such place as the said commissioners may designate, at least ten days before the letting of any contract for the building of any or either of such buildings. As soon as the said commissioners, or a majority of them, shall agree upon a plan for the construction of any or either of said buildings, the work of building and constructing the same shall be let by contract or contracts, and said commissioners shall give reasonable notice in the official newspapers of the city of Albany, calling for bids for the construction of said building or buildings. Said notice to be by publication, not less than twice each week, for three consecutive weeks. The said contract or contracts shall be let to the lowest responsible bidder or bidders, upon his or their executing to the said commissioners a good and sufficient bond, to be approved by the corporation counsel of the city of Albany, with sufficient sureties for the faithful performance of such work, and that said building or buildings provided for in the contract shall be completed according to the terms of said contract, and in the period to be specified therein, which shall not be over fifteen months from the time of the execution of such contract, reserving, however, to said commissioners the power to reject any and all bids which said commissioners shall deem not to be advantageous for the interest of the city of Albany. Said commissioners shall have power to employ an architect or architects to superintend the construction of such buildings, at such compensation as such commissioners shall deem reasonable. No member of the com-

Selection
of sites.

Plans and
specifica-
tions.

Contracts
for work.

How let.

Supervis-
ing archi-
tects.

Not to be interested in furnishing materials, etc.

mon council of the city of Albany or of the commission hereby created, or any person holding office within the city or county of Albany, either by election or appointment, shall be in any way or manner interested, directly or indirectly, in furnishing any materials, supplies or labor, for the construction of said buildings, or any or either of them.

School buildings, selection of sites for.

§ 4. The board of public instruction shall select the sites for the location of the three several school buildings to be erected as hereinbefore provided, and shall certify to "the public building commissioners of the city of Albany" the several sites so selected, and "the public building commissioners of the city of Albany" shall immediately take steps to acquire title thereto, as provided by section two of this act. All the plans and specifications proposed for the erection of the school buildings, or for repairs and extension to the high school, must first be approved by the board of public instruction before the same shall be adopted by "the public building commissioners of the city of Albany," and the school buildings shall be erected in accordance with the plans and specifications so approved by the board of public instruction of the city of Albany. The superintendent of school buildings employed by and under the direction of the board of public instruction shall act, under the direction of the public building commissioners, as superintendent of construction of the school buildings erected under this act.

Plans and specifications for.

Superintendent of construction of.

Bonds for expenditures, issue of, etc.

§ 5. It shall be the duty of the board of finance of the city of Albany to borrow on the faith and credit of the city of Albany such sum or sums of money as shall be required to pay the expenditures herein authorized to be made by the said commissioners under this act, and to issue the bonds of said city therefor, which bonds shall be signed by the said mayor and chamberlain, and shall be made registered and payable in the city of Albany. They shall bear interest at the rate of not more than three and one-half per centum per annum, payable semi-yearly; and as fast as the money shall be required by said commissioners, they shall be negotiated by said mayor and board of finance, as hereinafter provided, and the money received therefrom shall be deposited with the chamberlain of said city, who shall keep a separate account thereof, and shall pay therefrom under the order of said commissioners, or a majority of them, such sums as shall be required by the expenditures authorized by this act. The negotiation

How negotiated.

When payable.

Tax for bonds and interest.

Payments from sinking fund.

Advances

of such bonds shall be by selling the same by the said chamberlain to the highest bidder at public auction, at not less than par, giving at least ten days' previous notice of the time and place of sale, by publication in the city papers designated for the publication of city proceedings. Such bonds shall be issued in such manner and for such a length of time that five thousand dollars thereof shall be payable each year, commencing the second year after the issue of the first one, the last of said bonds to be payable not later than twenty years from the issue of the first bond. It shall be the duty of the common council of said city to cause to be raised yearly by tax upon the taxable property in said city, in the same manner as other general taxes are levied, a sum sufficient to pay the interest upon said bonds when and as the same shall become due and payable, and the sum of five thousand dollars to meet the amount of principal coming due each year under the provisions of this act. And the remainder of said bonds due at the expiration of said twenty years, not provided for by said annual payment of five thousand dollars shall be payable out of the general debt sinking fund of the said city of Albany. The chamberlain of the city

of Albany is hereby authorized to make advances for the necessary expenditures by the said commissioners, upon their order or draft, from any funds in his possession, prior to the issuing of the bonds herein authorized, and to be reimbursed from the proceeds of the subsequent sale of any of such city bonds.

for expenditures.

§ 6. The said commissioners shall keep a full record of their proceedings and an exact and particular account of all their receipts and disbursements under and by virtue of this act, and which records and accounts shall at all times be open to inspection by the mayor, chamberlain, and members of the common council of the city of Albany, and upon the completion of their duties said commissioners shall deposit such records and put their books of account, and vouchers pertaining to the work of said commissioners under this act, in the office of the chamberlain of the city of Albany, there to be preserved as records of his office.

Record and books of account.

Deposit thereof with chamberlain.

§ 7. Upon the completion of the construction of any of the buildings hereby authorized to be constructed, the said commissioners shall forthwith turn the same over to the officer, commission or department, for whose use or occupation it is designated, and when the last of such buildings is so completed and accepted, the mayor of the city of Albany, by a certificate in writing to be filed with the clerk of the common council of said city, shall dissolve said commission.

Buildings when turned over.

Dissolution of commission.

§ 8. This act shall take effect immediately.

CHAP. 152.

AN ACT to amend chapter four hundred and eighty-five of the laws of eighteen hundred and eighty-three, entitled "An act in relation to the construction of sewers in the city of Schenectady, and to authorize the common council of such city to borrow money for that purpose."

BECAME A LAW without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 9, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of chapter four hundred and eighty-five of the laws of eighteen hundred and eighty-three, entitled "An act in relation to the construction of sewers in the city of Schenectady, and to authorize the common council of such city to borrow money for that purpose," is hereby amended so as to read as follows :

§ 1. The common council of the city of Schenectady is hereby authorized to issue the bonds of said city to an amount not exceeding in the aggregate one hundred thousand dollars, in sums of one thousand dollars each, payable at such times within thirty years as the said common council shall determine, with interest payable semi-annually at a rate not exceeding four per centum per annum. Such bonds shall be executed by the mayor and treasurer of said city under the corporate seal, and shall be sold by said treasurer to the highest bidder or bidders therefor at prices not less than par.

Issue of city bonds.

§ 2. This act shall take effect immediately.

CHAP. 153.

AN ACT to amend chapter five hundred and ninety-three of the laws of eighteen hundred and eighty-six, entitled "An act repealing certain acts and parts of acts."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 9, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Portions of
repealing
act re-
pealed.

SECTION 1. The portions of subdivisions forty-four and forty-five of section one of chapter five hundred and ninety-three of the laws of eighteen hundred and eighty-six, entitled "An act repealing certain acts and parts of acts," which repeal section sixteen of chapter one hundred and twenty-four of the laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the Lordville and Equinunk Bridge Company," and chapter five hundred and seventeen of the laws of eighteen hundred and seventy, entitled "An act to amend an act entitled 'An act to incorporate the Lordville and Equinunk Bridge Company,' passed April sixth, eighteen hundred and sixty-nine," are hereby repealed.

§ 2. This act shall take effect immediately.

CHAP. 154.

AN ACT to amend section three hundred and twenty-eight of the Code of Civil Procedure, in relation to clerk, deputy clerk and assistants.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 9, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Marine
court,
New York.
Clerk, dep-
uty clerk,
and assis-
tants.

SECTION 1. Section three hundred and twenty-eight of the Code of Civil Procedure is hereby amended so as to read as follows:

§ 328. The court has a clerk, who is appointed and may be removed at pleasure, by the justices thereof, or a majority of them. He must, by a written instrument under his hand, filed in his office, appoint, and may at pleasure remove, three deputy clerks and not more than eleven assistants. The clerk is responsible for the faithful discharge of his duty by each deputy clerk and each assistant. The clerk, each deputy clerk, and each assistant is entitled to a salary, fixed and to be paid as prescribed by law.

CHAP. 155.

AN ACT to repeal chapter two hundred and eighty-two of the laws of eighteen hundred and ninety, entitled "An act requiring statements to be filed showing the amount due on bonds and mortgages affecting real estate."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 9, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The act entitled "An act requiring statements to be filed showing the amount due on bonds and mortgages affecting real estate," being chapter two hundred and eighty-two of the laws of eighteen hundred and ninety, and the whole thereof is hereby repealed. Act re-pealed.

§ 2. This act shall take effect immediately.

CHAP. 156.

AN ACT to legalize and validate a certain contract made between the Wayne County Agricultural Society and Frederick Borck and to authorize a conveyance according to the terms of said contract.

APPROVED by the Governor April 9, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The contract in writing dated May twenty-sixth, eighteen hundred and eighty-eight, made and executed by the Wayne County Agricultural Society of the first part and Frederick Borck of Lyons, New York, of the second part in accordance with a resolution duly passed by the board of managers of said society on the twenty-fifth day of May, by which said society agreed to sell and convey for the consideration therein expressed, to said Frederick Borck about one acre of land situate in the north east corner of the fair grounds owned and occupied by said Wayne County Agricultural Society in the village of Lyons, Wayne county, New York, is hereby legalized and validated and said contract shall have the same force and effect as if said society had been authorized by law to make and execute the same. Contract legalized.

§ 2 The said Wayne County Agricultural Society are hereby authorized to make execute and deliver a conveyance of said premises to said Frederick Borck according to the terms of said contract. Conveyance of premises.

§ 3. Nothing herein contained shall affect any action now pending, or impair any right acquired by lien or otherwise in or to the property affected by said contract. Provide.

§ 4. This act shall take effect immediately.

CHAP. 157.

AN ACT to authorize the town of Galen, Wayne county, New York, to borrow money and issue bonds or certificates therefor, for the purpose of paying the claim of Thomas Reynolds against said town of Galen.

APPROVED by the Governor April 9, 1891. Passed, three-fifths being present

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Issue of
bonds or
certificates
of indebted-
ness.

SECTION 1. The supervisor of the town of Galen, Wayne county, New York, is hereby authorized and empowered to borrow, on the credit of said town of Galen, the sum of five thousand dollars for the purpose of paying Thomas Reynolds the sum of five thousand dollars for injury and damages sustained by said Thomas Reynolds in the falling of a defective bridge in said town of Galen, which bridge said town of Galen was, and is legally bound to maintain and keep in repair. And for the money so borrowed the supervisor and town clerk of said town of Galen are hereby authorized and empowered to issue bonds or certificates of indebtedness of said town of Galen under their hands and seals in sums of not less than two hundred and fifty dollars each, bearing interest at not to exceed five per centum per annum, payable semi-annually on the first day of April and the first day of October in each year, said bonds or certificates not to be sold less than par; and such bonds or certificates of indebtedness shall be classified and issued so that one-half part of the whole amount thereof shall be redeemable on the first day of April, eighteen hundred and ninety-three, and the residue on the first day of April, eighteen hundred and ninety-four. And the money that shall be raised by loan or sale of said bonds or certificates of indebtedness shall be used for the payment, satisfaction and discharge of the said claim of said Thomas Reynolds hereinbefore stated, and for no other purpose whatever.

Avails how
applied.

Tax for
interest
and prin-
cipal.

§ 2. It shall be lawful for the said town of Galen, and it shall be the duty of said town of Galen, to make due provision, by tax in each year, for the payment of the interest falling due on said bonds or certificates during such year, and also the payment of principal as the same becomes due; and said interest and principal shall be assessed, levied, raised and collected in the same manner as any other public or general tax of said town of Galen, and in addition to the general and ordinary taxes of said town now authorized by law; and the money when collected shall be paid over to the supervisor of said town of Galen and by him applied to the payment of the bonds or certificates of indebtedness falling due and the interest thereon, and to no other purpose.

§ 3. This act shall take effect immediately.

CHAP. 158.

AN ACT to amend chapter two hundred and ninety-five of the laws of eighteen hundred and eighty-three, entitled "An act to amend chapter two hundred and forty-three of the laws of eighteen hundred and fifty-three, entitled 'An act to incorporate the De Veaux College for Orphan and Destitute Children.'"

APPROVED by the Governor April 10, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter two hundred and ninety-five of the laws of eighteen hundred and eighty-three, entitled "An act to amend chapter two hundred and forty-three of the laws of eighteen hundred and fifty-three, entitled 'An act to incorporate the De Veaux College for Orphan and Destitute Children,'" is hereby amended to read as follows:

Charter amended.

§ 1. Section two of chapter two hundred and forty-three of the laws of eighteen hundred and fifty-three, entitled "An act to incorporate the De Veaux College for Orphan and Destitute Children" is hereby amended to read as follows:

§ 2. There shall be nine trustees of the said corporation, who shall take charge and possession of the property directed by the will of the said Samuel De Veaux to be applied to the purposes aforesaid, and of all other funds or real or personal estate whatever that may be acquired by the said corporation, and manage and dispose of the same, and apply the income and avails thereof to the purposes expressed in the said will and no other. The persons named in the first section of this act shall be the first trustees of said corporation, and shall hold their office until others are chosen or appointed, as hereinafter provided. The trustees for the time being shall meet at least three times in each year at the said institution. When buildings shall have been erected, they shall appoint, and at their pleasure remove a president, a secretary, a general agent or superintendent, and such other officers and servants as may be required and shall require adequate security from every officer or agent intrusted with the receipt, management or disbursement or disposal of any money or property belonging to said corporation. No act of the trustees shall be valid unless authorized by a resolution adopted at a regular meeting of the said trustees, by a majority of the whole number, and recorded by the secretary in a book to be provided and kept for that purpose, which shall always be open to the examination of the bishop and standing committee of the diocese of Western New York; and no act or resolution of said trustees appropriating money of said corporation shall be valid or binding if such appropriation shall exceed in any one year the annual income of said corporation, unless such appropriation in excess of income be approved by the council of the diocese of Western New York, or by the bishop and standing committee of said diocese. The trustees for the time being shall furnish to the said bishop and standing committee annually, and whenever required by them, a full and detailed statement of the property and funds in their charge, and the condition thereof; of the number, ages and sex of the children received by them, the course of training and education pursued, the items of all receipts and disbursements, with an accompanying certificate of at least three of their

Trustees of corporation.

Meetings.

Officers and employees.

Acts of trustees, not valid unless, etc.

Appropriations in excess of income.

Annual statement to bishop.

Report to
council of
diocese.

number that they have compared the same with vouchers, and that they are full and satisfactory and such other matters and things in relation to the business and management of the said institution as the said bishop and standing committee, or the council of said diocese shall direct. They shall also furnish a like full and detailed report to the council of said diocese at each annual session thereof, with copies of all special reports made to such bishop and standing committee by their orders; and a general statement and account of the condition and progress of the said institution shall be reported annually by the said trustees to the legislature.

§ 2. This act shall take effect immediately

CHAP. 159.

AN ACT to amend section forty-one of the Code of Civil Procedure, relative to adjourning court to another place.

APPROVED by the Governor April 10, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section forty-one of the Code of Civil Procedure, is hereby amended so as to read as follows:

Adjourn-
ment of
court to
another
place.

§ 41. If, during the actual session of a term of a court of record, the judge, or a majority of the judges, holding the same, deem it inexpedient, by reason of war, pestilence or other public calamity, or the danger thereof, or for want of suitable accommodation, that the term should be continued at the place where it is then being held, the court may, by order, adjourn the term, to be held at any other time and place within its district. The court may also, in its discretion, where the parties to an action file a stipulation that the same be tried at a place within the county where said action is triable, other than the court-house, adjourn the term to such place for the trial of said action. Notice of such an adjournment must be given as the court directs by the order.

When to
take effect.

§ 2. This act shall take effect September first, eighteen hundred and ninety-one.

CHAP. 160.

AN ACT to amend sections ten, eleven and seventeen of title three, section three of title four and section two of title five of chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages," and acts amendatory thereof.

APPROVED by the Governor April 10, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section ten of title three of chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages," as amended by chapter three

hundred and fifty-seven of the laws of eighteen hundred and seventy-two, is hereby amended so as to read as follows:

§ 10. No such account or claim shall be allowed by the trustees unless the date of the work done or materials furnished shall be stated therein, and be made out in items and accompanied by the affidavit of the person claiming to have rendered the services or furnished the materials, or made the disbursements therein charged, that the items of such account or claim are correct as to the service, materials and disbursements mentioned, that such services and materials were rendered and furnished, and disbursements made for the corporation at the time stated therein, and no part of such claim has been paid. The claimant may be examined on oath by the trustees in relation to said claim and the items thereof. The affidavit and oath herein mentioned may be taken before the president of the village, or any of the trustees, or the clerk of the village, and when certified by either of them, may be read in evidence in any court of this state in the same manner as oaths and affidavits taken and certified by a justice of the peace; but no fee shall be charged or received by any president or trustee for any oath or affidavit taken before them or either of them. Nothing herein shall be construed as preventing the trustees from disallowing any account or claim in whole or in part when so made out and verified, nor from requiring other or further evidence of the correctness or reasonableness thereof. Any person willfully swearing false in reference to any matter herein contained shall be guilty of perjury.

Claims,
how made
out and
verified.

Examina-
tion of
claimant.

Disallow-
ance of
claims,
etc.

False
swearing.

§ 2. Section eleven of said title and chapter, as amended by chapter five hundred and thirteen of the laws of eighteen hundred and eighty-seven, is hereby amended so as to read as follows:

§ 11. The trustees shall present to every annual meeting of electors of the village a detailed statement of expenditures for the past year, and of the estimated ordinary expenditures of such village for the ensuing year, to meet which taxes may be lawfully raised, specifying each item of anticipated expense, which statement shall be signed by them and filed with the clerk. And the trustees shall cause to be published for two consecutive weeks immediately preceding the annual election in a newspaper published in the village, and if none is published in the village, then in a newspaper published nearest such village, a full, accurate and detailed statement of all moneys received by said village or any of its officers, from whom and on what account, and also a full, accurate statement of all moneys laid out, paid out, to whom paid, and on what account, for and during the year; and also the estimated, ordinary expenditures of such village for the ensuing year, to meet which taxes may be lawfully raised, specifying each item of anticipated expense. The village clerk and village treasurer shall furnish to said trustees full and correct statements of all such matters.

Annual
financial
statement.

Statement
and esti-
mate to be
published.

Duty of
clerk and
treasurer.

§ 3. Section seventeen of said title and chapter, as amended by chapter six hundred and eighty-eight of the laws of eighteen hundred and seventy-one, is hereby amended so as to read as follows

§ 17. The trustees of any village incorporated under this act, containing a population of two thousand and upward, may, whenever in their opinion the public interest demands it, at any time not less than thirty days preceding the next annual election for village officers, direct that at such election, and at every fourth election thereafter, there shall be elected a police justice, who shall be a resident of the village in which he shall be elected, and who shall hold office for four years, and shall have the same power and

Police jus-
tice,
election of,
in certain
villages.

Powers and
jurisdic-
tion.

Election districts.

jurisdiction in criminal cases which justices of the peace now by law have, or which may hereafter be conferred on justices of the peace by law, and shall be subject to the same duties and liabilities as the justices of the peace of the several towns of this state, and shall have jurisdiction in all cases of violation of village ordinances. Any village incorporated under this act, or when the whole of any town shall have been duly organized as a village, the electors of such village may, if they so elect at a meeting duly called for that purpose provide for the division of such village into districts, and for the election of the trustees of such village within the several districts which shall be established therein.

§ 4. Section three of title four of said chapter, as amended by chapter one hundred and ninety-two of the laws of eighteen hundred and eighty-five, and further amended by chapter one hundred and ninety-six of the laws of eighteen hundred and ninety, is hereby amended so as to read as follows:

Limitation of expenditures.

Taxes not to be diverted.

Village treasurer, his duties.

Moneys, how drawn from treasury.

Report to trustees.

Books, etc.

Annual report.

Separate accounts.

Surplus applied to highway tax.

§ 3. No ordinary expenditure for any one specific act, object or purpose, or thing, shall exceed the sum of five hundred dollars, and taxes raised for any specific item of anticipated expense under section eleven of title three of this act, shall not be applied to any other than the designated purpose during the current year, but nothing herein contained shall be construed to abridge the powers of the trustees of any village to pay an annual salary to more than one police constable of such village, not exceeding the sum of five hundred dollars to each.

§ 5. Section two of title five of said chapter, as amended by chapter two hundred and thirty-six of the laws of eighteen hundred and ninety, is hereby amended so as to read as follows:

§ 2. The treasurer shall receive all moneys belonging to the village, and keep an accurate account of all the receipts and expenditures. He shall daily deposit all moneys received by him in the banks designated by the board of trustees, subject to his check as treasurer. All moneys shall be drawn from the treasury, in pursuance of an order of the board of trustees, by warrant, signed by the president or the presiding officer of the board, and countersigned by the clerk. The treasurer shall not check out any money so deposited, except to satisfy a warrant upon the treasury, or to transfer it, on direction of the board of trustees to another deposit bank. He shall report in writing to the board of trustees at each regular meeting thereof the amount of money received by him and the sources from which received, and also the true state of the treasury which reports shall be filed in the office of the clerk. The books and entries of the treasurer and the order or check-book of the clerk, shall be open for inspection by any elector of the village at all reasonable hours. The treasurer shall exhibit to the board of trustees at least fifteen days before the annual election in each year a full account of all the receipts and expenditures after the date of the last annual report, and also the state of the treasury, which account shall be filed in the office of the clerk. The treasurer shall keep separate accounts of the moneys received and paid out for every specific item, object, purpose or thing of estimated ordinary expenditure, amounting to one hundred dollars and upwards and of the other ordinary expenditures and of extraordinary expenditures, and on account of highway tax. If at the annual meeting of electors of the village, there shall be a surplus of ordinary expenditure taxes on hand, the whole of such surplus shall be applied to the highway tax for the ensuing year. The treasurer, upon conviction of having lent, or deposited in any bank

not designated by the board of trustees, or unlawfully appropriated to his own use any money of the village received by him, shall be deemed guilty of embezzlement. All interest realized on any money of the village shall belong to the village.

Embezzlement.

Interest.

§ 6. This act shall take effect immediately.

CHAP. 161.

AN ACT to amend section thirty-two hundred and seventy-six of the Code of Civil Procedure, relating to security for costs.

APPROVED by the Governor April 10, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section thirty-two hundred and seventy-six of the Code of Civil Procedure is hereby amended so as to read as follows:

Security for costs.

§ 3276. At any time after the allowance of an undertaking, given pursuant to such an order, or as prescribed in section three thousand two hundred and seventy-eight of this act, or after notice of the payment into court made pursuant to such an order, the court, or a judge thereof, upon satisfactory proof, by affidavit, that the sum specified in the undertaking, or the amount of such payment, is insufficient; or that one or more of the sureties have died, or become insolvent, or that his or their circumstances have become so precarious that there is reason to apprehend that the undertaking is insufficient for the security of the defendant; must make an order, requiring the plaintiff to give an additional undertaking or make an additional payment into court. The last four sections apply to such an order, and to the undertaking given or payment made pursuant thereto.

Order to give additional security.

§ 2. This act shall take effect September first, eighteen hundred and ninety-one.

When to take effect.

CHAP. 162.

AN ACT to amend chapter three hundred and seventy of the laws of eighteen hundred and sixty-three, entitled, "An act to incorporate the Mechanics and Traders Exchange of the City of New York."

APPROVED by the Governor April 10, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of chapter three hundred and seventy of the laws of eighteen hundred and sixty-three, entitled "An act to incorporate the Mechanics and Traders Exchange of the City of New York" is hereby amended so as to read as follows :

§ 1. The members of the association known as the Mechanics and Traders Exchange, and all other persons who may hereafter become associated with them under the provisions of this act are hereby created a body corporate by the name of "The Mechanics and Traders Exchange" with perpetual succession and power to use a common seal

Incorporators.

Corporate name and powers.

and alter the same at pleasure, to sue and be sued, to take and hold by grant, purchase and devise real and personal property to an amount not exceeding one million five hundred thousand dollars, for the purposes and benefit of such exchange, and to sell, convey, lease and mortgage the same, or any part thereof.

§ 2. This act shall take effect immediately.

CHAP. 163.

AN ACT to amend section four of title one of chapter thirteen of part first of the Revised Statutes, relating to exemptions from taxation.

APPROVED by the Governor April 10, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Exemptions from taxation.

SECTION 1. Section four of title one of chapter thirteen of part first of the Revised Statutes is hereby amended by adding the following additional sub-division at the end thereof, to be known as sub-division ten:

Real property of volunteer fire companies.

10. Real property owned by any incorporated association of present or former volunteer firemen, actually and exclusively used and occupied by such corporation, and not exceeding in assessed value the sum of fifteen thousand dollars.

§ 2. This act shall take effect immediately.

CHAP. 164.

AN ACT to extend the powers of town boards.

APPROVED by the Governor April 10, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Expenditures of surplus moneys.

SECTION 1. The supervisor, town clerk and justices of the peace or a majority thereof in any town in this state, may expend any surplus moneys for which no provision for expenditure is made, belonging to said town, for the purposes of redemption of outstanding bonds or for improvements in said town.

Repeal.

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

CHAP. 165.

AN ACT to amend chapter three hundred and seventy of the laws of eighteen hundred and seventy-five, entitled "An act to amend and consolidate the several acts relating to the city of Elmira."

APPROVED by the Governor April 10, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one hundred and thirty-two of chapter three hundred and seventy of the laws of eighteen hundred and seventy-five, entitled "An act to amend and consolidate the several acts relating to the city of Elmira," is hereby amended to read as follows:

§ 132. The commissioners of the cemeteries shall have the care, custody and management of all property upon the grounds, and shall employ a superintendent and such laborers as they may deem proper, and regulate their compensation and services. They shall cause suitable maps to be made and perfected of all grounds, roads and lots therein; shall regulate the sales and prices of lots and interments, and shall make such regulations for the use and protection of the cemetery as they shall deem proper, in no case, however, being allowed to charge a fee for visitors. Such commissioners are authorized and empowered to acquire the title to such lands situated in the city or town of Elmira, for cemetery purposes, as they may deem expedient and necessary, subject to the approval of the common council of said city as to the selection of the lands and the amount to be paid by the city therefor. Such commissioners may negotiate with the owners of such lands for the purchase thereof, and if the commissioners can agree with such owners upon the terms of such purchase, they shall report to the common council a statement of the lands so proposed to be purchased, and of the terms upon which such purchase may be made; and if the common council approve of such purchase, the commissioners may enter into an agreement in the name of the city with the owners of such lands for the purchase and immediate possession thereof by the city, in accordance with the terms so approved by the common council, and shall immediately report such agreement to the common council. If the commissioners are unable to agree with the owners of such lands upon the amount to be paid therefor, the commissioners may commence a special proceeding, in the name of the city, to acquire title thereto by condemnation. When the amount to be paid to the owners of such lands shall be ascertained and determined in such proceeding for the condemnation thereof, the commissioners of cemeteries shall report such amount to the common council, and if the common council approve thereof, the commissioners shall continue such proceeding; but if the common council do not approve of the payment of such amount for such lands, such special proceeding shall be discontinued, and the city shall pay to the defendants in such proceeding their taxable costs and disbursements therein. Upon the approval by the common council of the amount so agreed to be paid by the city for such lands, in case an agreement can be made with the owners, or upon the approval by the common council of the amount for which such lands may be acquired by condemnation as so ascertained, the common council shall cause the bonds of the city to be issued and signed by the mayor and countersigned by the city chamberlain for

Cemetery commissioners, their powers and duties.

Lands for cemetery, how acquired.

Special proceedings to acquire title.

Issue of city bonds for purchase price.

Lands
vested in
city and a
part there-
of.

Bonds and
interest,
how paid.

Repeal.

such amount, which bonds shall bear interest at a rate not to exceed four per centum per annum and payable in such amounts and at such times as may be determined by the common council, and shall be sold at not less than their par value. The proceeds of the sale of such bonds or so much thereof as may be necessary, shall be applied by the city chamberlain for the purpose of paying the purchase price of such lands, and the real estate so purchased or acquired shall be vested in the city of Elmira, and if the real estate shall theretofore have been a part of the town of Elmira, the same shall not thereafter be a part of such town, but shall be a part of the territory of said city of Elmira. Such bonds and the interest thereon shall, so far as practicable, be paid by such commissioners of cemeteries from out of the revenues coming into their hands as such commissioners. In case such revenues shall not be sufficient to pay the annual interest on such bonds and the principal thereof as the same shall become due, such commissioners of cemeteries shall, in their annual report to the common council, report the amount necessary to be raised by taxation to pay such interest and principal for the succeeding fiscal year, and in addition to the amount otherwise authorized by law to be levied and collected in any one year, there shall be levied and collected on the taxable property in said city, in the same manner as general taxes are now levied and collected, an amount sufficient to pay the amount so required.

§ 2. Chapter three hundred and sixty-five of the laws of eighteen hundred and ninety, entitled "An act to authorize the cemetery commissioners of the city of Elmira to acquire lands for cemetery purposes," is hereby repealed.

§ 3. This act shall take effect immediately.

CHAP. 166.

AN ACT making an appropriation for the disbursement of moneys paid into the treasury in pursuance of the provisions of chapter four hundred and seventy-nine of the laws of eighteen hundred and eighty-seven.

APPROVED by the Governor April 10, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropri-
ation.
of money
paid by
racing
associa-
tions.

SECTION 1. The sum of thirty thousand three hundred and seventy-three dollars and ninety cents, being the amount of the fund paid into the treasury during the year eighteen hundred and ninety in pursuance of the provisions of chapter four hundred and seventy-nine of the laws of eighteen hundred and eighty-seven, is hereby appropriated out of any money in the treasury not otherwise appropriated, payable by the treasurer on the warrant of the comptroller, to the order of the State Agricultural Society, to be by it disbursed pursuant to the provisions of section six of said chapter.

§ 2. This act shall take effect immediately.

CHAP. 167.

AN ACT for the incorporation of young women's christian associations.

APPROVED by the Governor April 10, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Any twenty or more women being citizens and residents of this state and being desirous of associating themselves for the improvement of the spiritual, mental, moral and physical condition of young women by meetings for public worship, by academical instructions, by the maintenance of a public library and reading room, and by such other means not inconsistent with the objects of the association as its executive board may devise, may make, and sign and acknowledge before an officer authorized to take acknowledgments of deeds in this state, and with the written consent and approval of one of the justices of the supreme court, file in the office of the secretary of state, and in the office of the clerk of the county in which such society is to have its principal office, a certificate in writing in which shall be stated the corporate name of said association, the objects for which the association shall be formed, the place wherein its principal office shall be located, and its business carried on, the number of its directors or managers, and the names of those who shall be such directors or managers for the first year of its existence.

Formation of associations.

Certificate of incorporation.

Contents thereof.

§ 2. Upon filing such certificate, the persons who shall have signed and acknowledged the same and their associates and successors shall thereupon, by virtue of this act, become a body politic and corporate by the name designated in said certificate, and by that name, they and their successors shall and may have succession and be capable of suing and being sued, and they and their successors may have and use a common seal and may alter and change the same at pleasure, and by such corporate name, shall be capable of taking, receiving, purchasing and holding, by gift, grant, devise or otherwise, and of conveying, selling, leasing, mortgaging and pledging, or otherwise disposing of, any real estate or any personal property, or any part or parcel thereof, or any interest therein, for the purposes of their association, and shall have power to make a constitution and by-laws for the management of the affairs of such association not inconsistent with the constitution and laws of this state, and to alter and amend the same under such rules as may be provided therein, and to elect and appoint the officers and agents thereof and to provide for the salaries and compensation for the same.

Corporate powers.

§ 3. The corporate powers of the said association, except as herein otherwise provided, shall be vested in an executive board or board of directors or managers, all of whom shall be active members of the association.

In whom vested.

§ 4. Any young women's christian association heretofore organized under any law of this state, for all or any of the objects specified in this act, and now existing, may accept the provisions of this act by a majority vote of its executive board or board of directors or managers and of its active members, respectively, at any meeting called for the purpose; and upon filing in the office of the county clerk of the county in which is located the principal place of business of said association

Reincorporation of existing associations.

Certificate.

First direct-
ors,
officers,
etc.

Elections,
vacancies,
etc., there-
after.

Constitu-
tion and
by-laws.

Board of
trustees.

Vacancies.

Powers
and duties.

Convey-
ance, sale,
lease, etc.

and in the office of the secretary of state, a certificate of such action duly acknowledged by the president and secretary of the association, said association shall thenceforth be an incorporation under and with all the powers and privileges of this act, and the property of said theretofore existing association shall be vested therein; and the persons constituting the executive board or the board of directors or managers and the officers of such prior organization shall constitute the first executive board or board of directors or managers, and the officers of the association thereby created, and the term of office of the several members of the executive board or board of directors or managers and of the officers shall continue until the expiration of the several periods for which they were respectively elected. Thereafter the executive board or board of directors or managers and officers shall be elected in such numbers and for such functions and periods and all vacancies shall be filled in such manner as shall be provided for in the constitution or by-laws of said association.

§ 5. The active members of any association created under or taking advantage of the privileges of this act may make and adopt such constitution as they may deem desirable, and may alter or amend the same under such rules as shall be prescribed therein, provided that such constitution shall be consistent with the provisions of this act and with the laws of the state of New York. The constitution and by-laws of any association accepting the provisions of this act, as in section four provided, shall continue to be the constitution and by-laws of said association until altered, amended or repealed in accordance with the same, subject, however, in all respects to the provisions of this act.

§ 6. The real estate of such association and all permanent funds acquired by it by gift, devise, bequest or otherwise, and accepted by the association for permanent investment, shall be managed and controlled by a board of trustees, not less than five in number, which number shall be determined by the constitution or by-laws of said association, and who shall in the first instance be elected by the executive board or board of directors or managers thereof, and who shall have power to adopt appropriate by-laws for their organization and transaction of business. Thereafter whenever a vacancy shall occur in said board of trustees the same shall be filled by a majority vote of the trustees remaining, from one or more nominations made to said board, by the executive board or board of directors or managers of said association. The said board of trustees shall securely invest and keep invested, in the name of said association, all funds which come under their control and shall collect and receive the income from the same and the rentals from the real estate of said association, and shall sacredly devote the property of the association, of which they have the management and control, and the net income and rentals thereof, exclusively to the purposes of said association; and shall pay over to the treasurer of the association said net income and rentals so long as the same shall be devoted to the objects of the association and no longer. No conveyance, sale, lease for more than one year, mortgage, or other disposition of the real estate of said association or of any part or parcel thereof or of any interest therein shall be valid without a majority vote of the executive board or board of directors or managers of said association and of the board of trustees, respectively, at a meeting of each of said boards regularly called by a written notice stating the object of said meeting and duly mailed or personally delivered to each member thereof at least three days before said meeting, nor without

the written consent of three-fourths of all the members of said board of trustees.

§ 7. The said association shall possess the general powers, and be subject to the general restrictions and liabilities prescribed in chapter eighteen, part one, title three of the Revised Statutes. General powers and liabilities.

§ 8. This act shall take effect immediately.

CHAP. 168.

AN ACT authorizing the board of estimate and apportionment of the city of New York to allow and pay to Katharine Lydig Brady, widow of the late John R. Brady, one of the justices of the supreme court for the first judicial district, a sum equal to the remainder of his salary from the city for the present year.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 13, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of estimate and apportionment in and for the city and county of New York are hereby authorized to allow and pay to Katharine Lydig Brady, widow of the late John R. Brady, one of the justices of the supreme court for the first judicial district, a sum equal to the remainder of his salary as such justice, payable by the city of New York, from the day of his decease until the expiration of his term of office on the thirty-first day of December of the present year, eighteen hundred and ninety-one; being the sum of nine thousand one hundred and twenty-five dollars; and towards the payment of such sum of money the said board of estimate and apportionment may apply any unexpended balances of appropriations heretofore made and now in the hands of the comptroller of the city of New York; and in case the amount of such unexpended balances shall be insufficient to pay such appropriation, then the said board of estimate and apportionment may include the amount of such appropriation, or such part thereof as shall remain unpaid in the tax levy for the year eighteen hundred and ninety-two, to be raised and paid in the manner required by law. Payment to widow, authorized.

Sum therefor, how raised.

§ 2. This act shall take effect immediately.

CHAP. 169.

AN ACT to amend section eleven hundred and seventy-six of the Code of Civil Procedure, in relation to challenge of jurors.

APPROVED by the Governor April 13, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eleven hundred and seventy-six of the Code of Civil Procedure, is hereby amended so as to read as follows:

§ 1176. Upon the trial of an issue of fact, joined in a civil action in Challenges

in civil ac- a court of record, each party may peremptorily challenge not more
tions. than four and in a court not of record each party may peremptorily
challenge not more than two of the persons drawn as jurors for the
trial.

When to § 2. This act shall take effect September first, eighteen hundred and
take effect. ninety-one.

CHAP. 170.

AN ACT to amend sections four hundred and fifty-eight, four hun-
dred and fifty-nine, four hundred and sixty-nine and thirty-two
hundred and sixty-eight of the Code of Civil Procedure, relative
to leave to prosecute as a poor person, and to security for costs
in certain cases.

APPROVED by the Governor April 13, 1891. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and
Assembly, do enact as follows:*

SECTION 1. Section four hundred and fifty-eight of the Code of
Civil Procedure is hereby amended so as to read as follows:

Leave to
prosecute
as poor
person,
who may
petition
for.

§ 458. A poor person, whether an adult or infant, not being of abil-
ity to sue, who alleges that he has a cause of action against another
person, may apply by petition to the court in which the action is
pending, or in which it is intended to be brought, for leave to prose-
cute as a poor person, and to have an attorney and counsel assigned
to conduct his action.

§ 2. Section four hundred and fifty-nine of the Code of Civil Pro-
cedure is hereby amended so as to read as follows:

Contents
of petition.

§ 459. The petition must state:

1. The nature of the action brought or intended to be brought.
2. That the applicant is not worth one hundred dollars besides the
wearing apparel and furniture necessary for himself and his family,
and the subject matter of the action.

Verifica-
tion.

It must be verified by the applicant's affidavit, unless the applicant
is an infant under the age of fourteen years, and in that case by the
affidavit of his guardian appointed in said action, and supported by a
certificate of a counselor at law to the effect that he has examined the
case and is of the opinion that the applicant has a good cause of
action.

§ 3. Section four hundred and sixty-nine of the Code of Civil Pro-
cedure is hereby amended so as to read as follows:

Guardian
for infant
plaintiff.
Responsi-
bility of,
for costs.

§ 469. Before a summons is issued in the name of an infant plaintiff, a
competent and responsible person must be appointed to appear as his
guardian for the purpose of the action, who shall be responsible for the
costs thereof, except where such infant prosecutes as a poor person as
provided for under section four hundred and fifty-nine of this act, in
which case security for costs shall not be required.

§ 4. Section thirty-two hundred and sixty-eight of the Code of Civil
Procedure is hereby amended so as to read as follows:

Security
for costs,
when de-
fendant
may re-
quire.

§ 3268. The defendant, in an action brought in a court of record,
may require security for costs to be given, as prescribed in this title,
where the plaintiff was, when the action was commenced, either

1. A person residing without the state; or if the action is brought
in a county court, or in the city court of the city of New York the
city court of Yonkers, or the justices' court of the city of Albany, re-

aiding without the city or county, as the case may be, wherein the court is located; or,

3. A foreign corporation; or
3. A person imprisoned under execution for a crime; or
4. The official assignee of a person so imprisoned, the official assignee or official trustee of a debtor; or an assignee in bankruptcy; where the action is brought upon a cause of action, arising before the assignment the appointment of the trustee, or the adjudication in bankruptcy; or

5. An infant, whose guardian ad litem has not given such security, except as otherwise provided in sections four hundred and fifty-nine and four hundred and sixty-nine of this act.

§ 5. This act shall take effect on September first, eighteen hundred and ninety-one, and shall not apply to actions or proceedings commenced prior to that date. Act when to take effect.

CHAP. 171.

AN ACT in relation to mortgages.

APPROVED by the Governor April 13, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall not be necessary to file as a chattel mortgage any mortgage which has been or shall hereafter be executed by any telegraph, electric light or telephone company upon real and personal property, and which has been or shall be recorded as a mortgage on real estate in each county in or through which the mortgaged telegraph, electric light or telephone line therein described runs.

§ 2. This act shall take effect immediately.

CHAP. 172.

AN ACT to amend section thirty-nine of article first of title two of chapter one of part two of the Revised Statutes, relating to infants' estates.

APPROVED by the Governor April 13, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirty-nine of article first of title two of chapter one of part two of the Revised Statutes, is hereby amended so as to read as follows:

§ 39. Where such rents and profits are directed to be accumulated for the benefit of infants entitled to the expectant estate, and such infants shall be destitute of other sufficient means of support and education, the supreme court at special term, and, where such accumulation has been directed by a last will and testament, the surrogates court of any county in which such last will and testament has been admitted to probate, upon the application of their guardian, may direct

Application of rents, etc., to support, etc., of infants.

a suitable sum out of such rents and profits to be applied to their maintenance and education.

§ 2. This act shall take effect immediately.

CHAP. 173.

AN ACT to amend section five of title four of chapter four of part two of the Revised Statutes, relating to personal estates of infants.

APPROVED by the Governor April 18, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of title four of chapter four of part two of the Revised Statutes is hereby amended so as to read as follows:

§ 5. When any minor for whose benefit a valid accumulation of the interest or income of personal property shall have been directed, shall be destitute of other sufficient means of support and education, the supreme court at special term, and, where such accumulation has been directed by any last will and testament, the surrogate's court of any county in which such last will and testament has been admitted to probate, upon the application of such minor or his guardian, may cause a suitable sum to be taken from the moneys accumulated, or directed to be accumulated, and to be applied to the support and education of such minor.

§ 2. This act shall take effect immediately.

CHAP. 174.

AN ACT to amend section twenty-six hundred and fifteen of the Code of Civil Procedure, relating to persons who must be cited upon a petition for the probate of a will.

APPROVED by the Governor April 13, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-six hundred and fifteen of the Code of Civil Procedure is hereby amended so as to read as follows:

§ 2615. The following persons must be cited upon a petition presented as prescribed by the last section:

1. If the will relates exclusively to real property, the husband, if any, all the heirs of the testator, all persons in being who would take an interest in any portion of such real property, under the provisions of said will, and the executor or executors, trustee or trustees named therein.

2. If the will relates exclusively to personal property, the husband or wife, if any, all the next of kin of the testator, all persons in being who would take an interest in any portion of such personal property, under the provisions of said will, and the executor or executors, trustee or trustees named or described therein.

3. If the will relates to both real and personal property, the husband or wife, if any, all the heirs and next of kin of the testator, all

Application of income accumulated, etc., to support, etc., of minor.

Petition for probate of will.

Who may be cited thereupon.

persons in being who would take an interest in any portion of said real or personal property, and the executor or executors, trustee or trustees named or described therein.

§ 2. This act shall take effect September first eighteen hundred and ninety-one. When to take effect.

CHAP. 175.

AN ACT to amend section twenty-six hundred and six of the Code of Civil Procedure, relating to an accounting by an executor of a deceased executor.

APPROVED by the Governor April 18, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-six hundred and six of the Code of Civil Procedure is hereby amended to read as follows:

§ 2606. Where an executor, administrator, guardian or testamentary trustee dies, the surrogate's court has the same jurisdiction, upon the petition of his successor, or of a surviving executor, administrator or guardian, or of a creditor, or person interested in the estate, or of a guardian's ward, to compel the executor or administrator of the decedent to account, which it would have against the decedent if his letters have been revoked by a surrogate's decree. And an executor or administrator of a deceased executor, administrator, guardian or testamentary trustee may voluntarily account for any of the trust property which has come to his possession, and upon his petition such successor or surviving executor, administrator or guardian or other necessary party shall be cited and required to attend such settlement. With respect to the liability of the sureties in, and for the purpose of maintaining an action upon the decedent's official bond, a decree against his executor or administrator, rendered upon such an accounting, has the same effect as if an execution issued upon a surrogate's decree against the property of decedent had been returned unsatisfied during decedent's lifetime. So far as concerns the executor or administrator of decedent, such a decree is not within the provisions of section twenty-five hundred and fifty-two of this act. The surrogate's court has also jurisdiction to compel the executor or administrator at any time to deliver over any of the trust property which has come to his possession or is under his control, and if the same is delivered over after a decree, the court must allow each credit upon the decree as justice requires.

Accounting by executor, etc., of deceased executor.

§ 2. This act shall take effect September first, eighteen hundred and ninety-one. When to take effect.

CHAP. 176.

AN ACT to amend section four of chapter three hundred and nineteen of the laws of eighteen hundred and eighty-eight, entitled "An act to provide for the improvement of a portion of Delaware avenue, in the city of Albany, and the streets intersecting the same, and for the payment of the expense thereof."

APPROVED by the Governor April 18, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of chapter three hundred and nineteen of the laws of eighteen hundred and eighty-eight, entitled "An act to provide for the improvement of a portion of Delaware avenue in the city of Albany, and the streets intersecting the same, and for the payment of the expense thereof," is hereby amended so as to read as follows:

§ 4. It shall be the duty of the board of finance of the city of Albany, upon the confirmation of any assessment mentioned in section three of this act, to cause to be prepared and executed in the usual form, bonds of said city to be known as Delaware avenue improvement bonds, and to sell so many of the same as near as may be, as shall produce an amount equal to such assessment, at public auction at not less than par, after notice of such intended sale shall have been published for ten days, Sundays and legal holidays excepted, in the three city newspapers appointed, and authorized to publish city notices in the city of Albany. Such bonds shall bear interest at (not exceeding) three and a half per centum per annum, and shall be so respectively made payable, that of the principal sum thereby secured to be paid there shall fall due on each first day of November following, each first day of September succeeding the confirmation of the assessment above provided for, bonds representing one-tenth part of the aforesaid assessment, to represent which said bonds shall be issued. The principal and interest on such bonds shall be paid by the city as they respectively mature, out of the amount collected from the assessment to pay the amount of which the bonds were issued. Should there not be sufficient money in the chamberlain's hands, collected from such assessment, to pay the bonds or any of them or the interest thereon, when they mature, then such bonds or interest shall be paid out of the general debt sinking fund of the city, and in such case any money thereafter collected from the assessment shall be paid into such sinking fund. The proceeds of such bonds shall be applied to the payment of the amount due to the contractor and any other expense represented in and covered by such assessment. The provisions of sections three and four of this act shall not be applicable to any work done hereunder, and any assessment for such work shall be collected and paid in all respects as other assessments are now collected and paid in, under the provisions of the charter of said city, unless the common council shall in the law and ordinance providing for the doing of such work direct that the provisions of this act as to the loaning of the credit of the city therefore* shall be applicable thereto,

* So in the original.

which provision in the law or ordinance for such work, the owner signing a petition for the doing of said work are authorized to make a condition of said petition taking effect.

§ 2. This act shall take effect immediately.

CHAP. 177.

AN ACT to widen, extend, lay out and open and to improve certain streets in the city of Brooklyn and village of Flatbush.

APPROVED by the Governor April 13, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Buffalo avenue from Eastern parkway of the city of Brooklyn to East New York avenue in the village of Flatbush, is hereby widened to a uniform width of one hundred feet. Buffalo avenue widened.

§ 2. The commissioners of the department of parks of the city of Brooklyn are hereby authorized, in their discretion, to lay out, open and improve as a public street the Eastern parkway of the city of Brooklyn, to commence at the present terminus of said street, and to terminate at or near the present city reservoir property at Ridgewood Heights on such course between these two points as they in their discretion shall determine. Extension, etc., of Eastern parkway.

§ 3. The commissioners of the department of parks of the city of Brooklyn are hereby authorized, in their discretion, to widen Buffalo avenue from the Eastern parkway in the city of Brooklyn to East New York avenue in the village of Flatbush to a uniform width of one hundred feet, and, as so widened, to open and improve the same as a public street. Improvement, etc., of Buffalo avenue.

§ 4. Whenever the said commissioners shall determine to act under the powers conferred upon them in this act, or either of the powers, they shall cause a map or maps to be made showing the proposed extension and improvement of the Eastern parkway and of the widening and improvement of Buffalo avenue, and shall file said map or maps duly certified by them in the offices of the register of the county of Kings and of the county clerk, and shall also transmit a copy of said map or maps to the department of city works of the city of Brooklyn, and said streets as so extended, widened and laid out shall be laid down and form part of the commissioners' map of the city of Brooklyn. Maps to be made and filed.

§ 5. The said commissioners, whenever they shall determine to act in accordance with the provisions of this act, shall, within thirty days after the filing of said maps, in order to determine the amount to be paid to the owners of the lands and tenements required to be taken for the purposes of this act, shall first fix a district of assessment beyond which the property to be benefited by the said opening, as well as the subsequent improvement thereof, shall not be assessed to defray the expenses thereof, they shall then apply to the supreme court at a special term thereof to be held in the second judicial department, upon a notice to be published ten days consecutively in the corporation newspapers for the appointment of three commissioners to estimate the expense of such opening and the damages to be sustained by any person interested therein, and on and after the appointment of said commissioners all provisions of existing laws in the city of Brooklyn applica- District of assessment to be fixed.
Commissioners of estimate, application for, etc.
Existing laws as to street

opening,
etc., ap-
plicable.

ble to the opening and improvement of public streets shall apply to the extension, opening and improvement of the said Eastern parkway so far as the same are not inconsistent with the provisions of this act, and all proceedings to be taken herein shall be those so provided in the general existing laws relative to similar improvements in the said city.

Repeal.

§ 6. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 7. This act shall take effect immediately.

CHAP. 178.

AN ACT to amend chapter two hundred and forty-six of the laws of eighteen hundred and eighty-four, entitled "An act to extend the authority of the treasurer of Chemung county in the investment of moneys known as the railroad bonds sinking fund."

APPROVED by the Governor April 13, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter two hundred and forty-six of the laws of eighteen hundred and eighty-four is hereby amended so as to read as follows:

Invest-
ment of
sinking
fund in
certain
securities.

§ 1. The treasurer of Chemung county is hereby authorized to invest the moneys coming into his hands as a sinking fund, to pay the bonds of the towns of Erin, Horseheads and Van Etten in said county, which were issued to aid in the construction of the Utica, Ithaca and Horseheads railroad, in mortgages on improved real estate and school district bonds within said county provided that said moneys cannot be advantageously invested, under the provisions of section four of chapter nine hundred and seven of the laws of eighteen hundred and sixty-nine.

§ 2. This act shall take effect immediately.

CHAP. 179.

AN ACT to provide for the support of ruptured and crippled men, women and children who may be cared for by the several hospitals, asylums, homes and other charitable and benevolent institutions in the city of Brooklyn.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 14, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Annual
apportion-
ment to
hospitals,
etc.

SECTION 1. The board of estimate of the city of Brooklyn, county of Kings, are hereby authorized annually to meet and include in their final estimate for that fiscal year a necessary sum which shall be, when raised, apportioned and paid by the comptroller of said city to the several hospitals, asylums, homes and other charitable and benevolent institutions, associations and societies in the city of Brooklyn, at a rate not to exceed forty-five cents per day, for each and every ruptured or

Reports to crippled person received and maintained by them; and the said hos-

pitals, asylums, homes and other charitable and benevolent institutions in said city, which are or hereafter may be entitled to the benefits under this act, shall annually report to the comptroller of said city, in such form as he shall approve, the names and number of such ruptured or crippled persons cared for and supported by them respectively, with the number of days each of such persons has been in such institutions respectively. comptroller.

§ 2. This act shall take effect immediately.

CHAP. 180.

AN ACT to establish a board of public works in the city of Watertown.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 14, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Within five days after the passage of this act, the mayor of the city of Watertown shall appoint four commissioners, to be known as the "commissioners of public works of the city of Watertown," two of whom shall be selected from each of the two principal political parties of the state. Appointment of commissioners of public works.

§ 2. The said commissioners shall be divided into four classes consisting of one commissioner each, to hold their office respectively for one, two, three and four years; the commissioners determining among themselves, by lot, at their first meeting, who shall hold office for the term of one year, who shall hold office for the term of two years, who for the term of three years and who for the term of four years; and the terms of such commissioners, after the first appointment, shall be four years. The terms of such commissioners, after the first appointment and classification thereof, shall commence on the first day of May, and the terms of each classification of the same shall expire on such day of the year for which they are classified, but such commissioners shall continue in office until their successors are duly appointed and qualified. Classification and terms.

§ 3. The mayor shall, annually, on the first Monday of April thereafter, appoint one commissioner in the place of the commissioner whose term of office will expire as hereinbefore provided, and such appointment shall be from the political party to which the said commissioner whose term of office will expire belongs. Annual appointment.

§ 4. In case of a vacancy from death, resignation or removal from the city, such vacancy shall be filled as soon as practicable by the mayor as aforesaid, and appointed as last provided from the political party to which the vacancy belongs. Vacancies, how filled.

§ 5. No person shall be appointed commissioner of public works unless a resident and freeholder of said city and assessed upon the last preceding city assessment-roll to the amount of two hundred and fifty dollars or upwards, and during the term of such service they shall be ineligible to and shall hold no other city or ward office, and removal from the city shall vacate the office. Qualifications. Ineligible to other office.

§ 6. The said commissioners, together with the mayor of the city of Watertown, shall constitute a board to be known as "the board of Board of public works.

Clerk of board.

public works of the city of Watertown." The mayor of the city of Watertown shall be ex-officio chairman of said board, and shall have a casting vote in case of a tie. The chamberlain of the city of Watertown shall be clerk of said board, whose duty it shall be to record the proceedings in a book to be kept for that purpose, and to perform such other duties as the board may assign him.

Comrs. to receive no pay nor be interested in contracts, etc.

§ 7. The commissioners appointed by virtue of this act shall not, directly or indirectly, be paid or receive any compensation for their services, nor shall they be interested, directly or indirectly, in any contract or in the furnishing of any work or supplies in any manner under their control.

Removal of commissioners for cause.

§ 8. The said commissioners, or any one of them, may be removed by the mayor and common council of the said city by a two-thirds vote, for official or other misconduct, but not otherwise; and such commissioners or commissioner shall be furnished with a copy of the charges preferred, and an opportunity be given for a defense thereto.

Powers and duties of board.

§ 9. The said board shall have all the powers and discharge all the duties of commissioners of highways of towns, as given by and with the exceptions and modifications contained in an act entitled "An act to incorporate the city of Watertown," passed May eighth, eighteen hundred and sixty-nine, and the several acts supplemental thereto and amendatory thereof. They shall have the exclusive control of the construction, improvement, repair and cleaning of streets, highways, alleys, avenues, gutters, sewers, culverts, sidewalks, crosswalks, parks and bridges; of the sprinkling of the streets; of the paving of the streets and of the purchase of supplies and materials therefor. This provision shall not be construed as transferring to said board the power conferred on the mayor and common council to grant right of use of streets by railroad corporations, and prescribing conditions thereof.

Rooms.

Meetings.

§ 10. The common council of the city of Watertown shall provide suitable rooms for the meetings of the board and the transaction of its business; which meetings shall be held as provided by the rules of said board of public works, or, upon the call of the mayor of the city, as chairman of the said board, or a majority of the members thereof; and the attendance of at least three members shall be necessary to constitute a quorum.

Offices abolished.

Supt. of public works and city engineer, appointment and terms of.

§ 11. The offices of street commissioner and city surveyor of the city of Watertown are hereby abolished and in lieu thereof the said board of public works shall appoint a superintendent of public works and a city engineer, who shall both be residents of the said city, and who shall hold office for two years or until their successors are appointed. The term of office of said superintendent and engineer shall commence on the first day of May, eighteen hundred and ninety-one; and every alternative year thereafter the said board shall appoint a superintendent of public works and a city engineer, to hold office for the term aforesaid.

Duty of superintendent of public works.

Salary.

§ 12. It shall be the duty of the superintendent of public works to superintend, under the general direction of the board, all work to be done or ordered to be done in relation to any of the streets, highways, alleys, avenues, pavements, sewers, gutters, culverts, sidewalks, crosswalks, parks and bridges; and to perform, under the direction of said board, such other duties as have heretofore been performed by the street commissioner of said city. Said superintendent shall receive an annual salary not exceeding the rate of one thousand dollars a year, to be fixed by the said board.

City engineer.

§ 13. It shall be the duty of the city engineer to perform such work

with regard to surveying, engineering and other similar work as the said board shall direct. Said engineer shall receive a compensation to be fixed by the said board.

§ 14. The board may, at any time, by the vote of all the commissioners, or the vote of three commissioners and the mayor, remove the superintendent of public works or the city engineer, without assigning any reason therefor, or may, at any time, by a majority vote, suspend such superintendent or engineer, with or without stoppage of salary during such suspension. Said board may also remove the superintendent or engineer, by a majority vote, upon charges, after giving the accused opportunity to be heard. In case of the removal of a superintendent or engineer the board shall fill the vacancy thus occasioned for the unexpired term. In case of a suspension they may appoint a superintendent or engineer for the time being.

Removal or suspension of superintendent or engineer.

Vacancies, how filled.

§ 15. The board may make such rules and regulations as it may deem best for the good government of themselves, for the employment and dismissal of employes of the department and the discipline and government of the same, and for the manner of excavating and opening of any of the streets and highways of said city, provided such rules do not conflict with the laws of the state or of the United States.

Rules and regulations.

§ 16. All property and easements belonging to the city of Watertown, used for street, sidewalk, sewer and bridge purposes, or for any other purpose over which this board has control, by virtue of this act, shall be under the care and control of the said board, and all real and personal property, rights and easements hereafter purchased or acquired by said board shall be taken in the name of and be vested in the city of Watertown, subject, however, to the control of the board as hereinbefore provided.

Control of property.

Property acquired, how vested.

§ 17. The said board shall, on or before the second Monday of June, annually, make and certify to the common council of the city of Watertown a detailed statement of the amount necessary to be raised for the purposes required by said board during the ensuing fiscal year. Such estimate for the highway fund shall not exceed eighteen cents for every hundred dollars of the assessed valuation of the taxable property in said city, to be determined from the last annual assessment-roll of said city; and it shall be the duty of the common council of said city to levy and collect the amount so certified as necessary and proper; to be collected with the next general tax for city purposes; and the said board shall, during the next fiscal year, limit the expenditures so as not to exceed said amount so certified, except as hereinafter mentioned.

Annual estimate of expenses.

Highway fund.

Tax for amount certified

§ 18. The money so raised for the highway fund, together with the money raised for other purposes over which the board has control, shall be placed by the chamberlain of the city to the credit of said board; the amount of each fund to be kept distinct, and shall be used and paid out only upon its order, drawn by the clerk of the board and countersigned by the mayor, and they shall not draw or countersign any order unless it is authorized by a resolution of said board, and this act shall in no way diminish or affect the liability of the chamberlain of said city or his bondsmen. All expenditures made under the authority of said board shall be reported to, and the bills thereof audited by the said board.

Moneys raised, how kept and disbursed.

Liability of chamberlain.

Audit of expenditures.

§ 19. It shall be the duty of the board of public works to report their expenditures to the common council monthly, which report shall be published with the proceedings of said common council. The

Monthly report.

books and accounts shall be open to the inspection of any elector of the city at all reasonable hours.

Reports of
needed
improve-
ments.

§ 20. The board of public works may, at any meeting of the common council of said city, present a written statement that new public works, improvements or betterments, for the use of the city or its inhabitants, requiring the expenditure of money, are needed, stating for what purpose or purposes, with a detailed and full statement of the estimated cost of constructing and maintaining such new public improvements, works and betterments; and if such report shall be upon the subject of pavements or sewers it shall recommend and contain the system, size and material, and what proportion of the cost of the construction should be paid by the city at large, and what proportion by assessment upon the property abutting on streets or other ways, to be sewered or paved.

Recom-
mendations
as to pave-
ments or
sewers.

Action and
approval
of council.

§ 21. The common council shall, upon the receipt of any such report, with reasonable diligence, consider and act upon the same. If a majority of said common council shall vote in favor of the recommendations, the same shall be thereby fixed and determined, and the common council shall then have the power to authorize the board of public works forthwith to proceed with the construction of such work and to raise, by issuing the bonds of said city, as hereinafter provided, the sums of money so voted for such purpose.

Submission
of recom-
mendation
to tax
payers.

§ 22. In case a majority of the common council shall not vote in favor of the recommendations of the board of public works, submitted as aforesaid, then the same shall be at once submitted to a vote of the taxpayers of the said city, at a special election to be called for that purpose; and the method of calling such election, the manner of holding the same and the qualifications of the persons voting thereat shall be the same as at a special election provided for in sections seven and eight of title five of the city charter of the city of Watertown, except as herein provided. In the notice of such special election shall be included a statement of the amount of money proposed to be raised, and for what purpose or purposes, and if the cost of such improvement is to be paid part by the city at large and part by assessment upon property abutting on streets or other ways sewered or paved, the part to be paid by each. The common council shall prescribe the form of ballot to be used for and against such proposition. If a majority of the votes cast at such special election shall be in favor of such recommendation, then the common council is required to proceed in the same manner as if it had approved the same as hereinbefore provided.

Notice of
special
election.

Ballots.

Proceed-
ings upon
favorable
vote.

Supervision
of construc-
tion of
works,
etc.

§ 23. The construction of all such new public improvements, works or betterments shall be under the exclusive control and supervision of the board of public works, which shall report to the common council, whenever required, the progress and condition of such construction.

Bids for
new works.

§ 24. All new works or constructions exceeding in cost one thousand dollars shall, before any contract is let or work done, be advertised for bids, with power to reject any and all bids received. If the said board does not approve any bid offered, it may go on and cause the work to be done under its own supervision. If the board approves a bid, it may then enter into a contract, in the name of the city, for the construction of such new work, and shall have power to change or modify the same, provided the estimated cost furnished the council shall not be exceeded. The person or persons entering into any such

Contracts.

contract shall execute a bond to the city for the faithful performance of the same, in an amount to be approved by the said board.

§ 25. The said board shall have control of all parts of work or construction so contracted, until said work shall be completed and accepted, and it may adopt rules and regulations regarding the use and protection of the same and employ such means as it may deem necessary for the purposes intended. Control of contract work.

§ 26. The said board shall have the power on its own motion, approved as aforesaid, to pave or gutter any street or lay any sewer; and so much of section fifteen of title seven of the city charter of the city of Watertown as conflicts with this section is hereby repealed. Power to pave streets and lay sewers.

§ 27. Whenever the said board shall determine that any part of the cost of paving, guttering or sewerage any of the streets or other ways of the city shall be paid by special assessment on adjoining property, they shall notify the assessors of the said city, who shall thereupon proceed in the manner now provided by title seven of the city charter of said city, to make such special assessment. Special assessments.

§ 28. The said board shall have power to have assessed and levied upon any street railroad company or other railroad company, whose road runs through any street or other way paved, the cost of construction, maintenance and renewal of the pavement included in the space between the rails and two feet outside on each side. Assessment of railroad companies.

§ 29. Every tax and assessment imposed under the provisions of this title shall be a lien upon all the real estate against which the same shall be assessed, from the time of the assessment and levy, and for ten years thereafter, unless sooner paid with interest. Assessments, etc., liens.

§ 30. The said board shall have power to require sidewalks, curbs and gutters to be constructed, made, paved, flagged, curbed, guttered, relaid or repaired by the owners of land adjoining such sidewalk, curb or gutter, or proposed sidewalk, curb or gutter, and to require any such improvement, act or thing to be done in such manner, at such time and of such material as it may prescribe and direct. The said board may, at any time, instead of making such requirement of the owners, after due notice of such requirement of the owners has been given; cause such improvement, act or thing to be made or done, at an expense not exceeding the regular price of labor and materials for such purpose, and may assess and collect such expense in the manner in which the common council of the city of Watertown may by ordinance prescribe; and the said common council of the city of Watertown may, by ordinance, provide for enforcing all the powers granted in this section. Power to require sidewalks, etc., made and repaired.
Board may cause work done.
Expense thereof.

§ 31. The said board may, if it desires, prepare plans for a "standard sidewalk," to be constructed of such materials and of such size and in such manner as the said board may deem best; and if any owner of property adjoining upon any of the streets or other ways of said city shall construct such a "standard sidewalk" in accordance with such plans, the said board, upon approving the same, shall allow and pay to said owners of said property one-fourth of the fair and reasonable cost of constructing the same. Plans for standard sidewalk.
Allowance to owners for constructing.

§ 32. The common council of the city of Watertown is hereby authorized to borrow, upon the credit of the city of Watertown, such a sum of money, not exceeding one hundred thousand dollars, in the manner hereinafter mentioned, as may be deemed necessary for the purposes hereinafter specified. Council may borrow money.

§ 33. The said money may be so borrowed, from time to time, as required by the common council, not exceeding, however, twenty thou- Manner of borrowing.

Issue of
bonds.

sand dollars in any one year, on such terms of credit as shall be for the best interests of the city, as they shall determine, and at the lowest possible rate of interest, not exceeding four per centum per annum, and the said common council is hereby authorized and empowered, in the name and behalf and upon the credit of the city of Watertown, to issue the bonds of said city as aforesaid, to be signed by the mayor and countersigned by the chamberlain of said city.

Public
improvement
fund.

§ 34. Such bonds so issued shall be known as "public improvement bonds," and the moneys received from such bonds and any premiums realized thereon shall be placed by the chamberlain of the city of Watertown to the credit of a fund to be known as the "public improvement fund," and which shall be used by said board of public works solely for the purpose of paying the city's portion of the expense of any new work or public improvement, as this act provides and as herein specified.

Annual tax
for fund to
pay in-
terest and
principal.

§ 35. Said common council shall have power to annually assess and levy upon the taxable property of said city, in addition to any amount heretofore authorized by law, a fund to be known as the "bond fund," sufficient in amount to provide for the payment of the interest of any "public improvement bonds," outstanding against the city, as well as the principal, or any portion thereof.

Repeal.

§ 36. All acts or parts of acts relating to the city of Watertown inconsistent with or in conflict with this act in so far as they may conflict are hereby repealed.

§ 37. This act shall take effect immediately.

CHAP. 181.

AN ACT to reduce and fix the rate of interest on bonds and mortgages held by the commissioners of the United States deposit fund in the several counties of the state and to amend title fourteen of chapter nine of part one of the Revised Statutes, entitled "Of the United States deposit fund," and the rate of interest the said commissioners shall pay to the treasurer.

APPROVED by the Governor April 14, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter five hundred and seventeen of the laws of eighteen hundred and eighty, entitled "An act to reduce and fix the rate of interest on bonds and mortgages held by the commissioners of the United States deposit fund in the several counties of the state; and to amend chapter one hundred and fifty of the laws of eighteen hundred and thirty-seven," as amended by chapter two hundred and sixty-seven of the laws of eighteen hundred and eighty-five, is hereby amended to read as follows:

Rate of
interest.

§ 1. The interest on all bonds and mortgages on real estate held by the commissioners for loaning the United States deposit fund shall be from the first day of October, eighteen hundred and ninety-one, five dollars upon one hundred dollars for one year, and after that rate for a greater or a less sum, or for a longer or shorter time.

§ 2. Section eighteen of chapter one hundred and fifty of the laws of eighteen hundred and thirty-seven, entitled "An act authorizing a

loan of certain moneys belonging to the United States, deposited with the state of New York for safe keeping," as amended by chapter five hundred and seventeen of the laws of eighteen hundred and eighty and chapter two hundred and sixty-seven of the laws of eighteen hundred and eighty-five is hereby amended to read as follows:

§ 18. The said commissioners shall, on or before the first Tuesday of November of every year, pay to the treasurer of this state the interest of the money committed to their charge respectively, and received by them by virtue of this act, at the rate of five per centum per annum; subject, however, to the following deduction. The said commissioners may retain, as a compensation for their services, out of said interest in each and every year after the following rates: Upon twenty-five thousand dollars or a less sum, so committed to their charge, three-quarters of one per centum; upon the further sum of twenty-five thousand dollars, or less, half of one per centum; and where the whole sum shall exceed fifty thousand dollars, half of one per centum, except in the city and county of New York; in which city and county the commissioners shall, upon all sums exceeding fifty thousand dollars, only be permitted to retain one-quarter of one per centum.

Annual
payments
to state
treasurer.

Compensa-
tion for
services.

CHAP. 182.

AN ACT for the relief of the Kensico cemetery.

APPROVED by the Governor April 14, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The resolution heretofore, and on or about June fifth, eighteen hundred and eighty-nine, passed by the board of supervisors of Westchester county, of which the following is a copy, to wit: "Resolved, that the Kensico cemetery be, and the same is hereby granted permission, and this board does hereby consent that it shall be lawful for said cemetery to take by deed, devise or otherwise, two hundred and fifty acres of land situated in the town of Mount Pleasant in said county, and hold said lands, the same to be used exclusively for a cemetery or place for burial of the dead, or other disposal in vaults or mausoleum of the dead; the following is a description of said lands: Bounded on the north by the road leading from Kensico village to Tarrytown and the lands of Gilbert Stevens; on the west by the lands of Andrew Taylor; on the south by the road leading from Kensico station to Tarrytown; on the east by the track of the Harlem railroad, and containing within said boundaries two hundred and fifty acres of land, providing that said association shall not at any time give to the New York Central Railroad Company any land for the purpose of establishing a depot above eight hundred feet north of Davis brook, crossing said railroad," and the act of said board of supervisors in passing said resolution is and are hereby in all things ratified, approved and confirmed.

Resolution
authoriz-
ing taking
of lands,
confirmed.

§ 2. The Kensico cemetery is hereby authorized and empowered to take by deed, devise or otherwise one hundred acres of land adjacent to lands described in section one of this act and in addition thereto, subject, nevertheless, to the same liabilities and invested with the

Cemetery
may take
and hold
additional
land.

same privileges as that already acquired, to hold and improve same, control the burial of the dead therein, and to do all other lawful things relative to same as may be determined, from time to time, by a majority of the trustees of said cemetery.

§ 3. This act shall take effect immediately.

CHAP. 183.

AN ACT granting the consent of the state of New York to the acquisition by the United States of certain lands for the purpose of the erection of a light-house near Elm Tree light station, Staten Island, New York, and ceding jurisdiction over the same.

APPROVED by the Governor April 14, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Consent to
purchase
lands.

Descrip-
tion.

SECTION 1. The consent of the state of New York is hereby given to the purchase by the United States of America of all that piece or parcel of land at Staten Island in Richmond county, bounded and described as follows: Beginning at a point on the farm of George W. Vanderbilt, lying east of New Dorp lane, distant on a straight line drawn from the north corner of the Elm Tree light-house reservation, on a course north fifty-four degrees thirty minutes east, two hundred and six feet and six inches from said corner, which is formed by the intersection of the southwesterly line of New Dorp lane with the northwesterly line of the Elm Tree light-house reservation; thence running from said point on the farm aforesaid, north forty-two degrees east, fifty feet; thence south forty-eight degrees east, fifty feet; thence south forty-two degrees west, fifty feet; thence north forty-eight degrees west, fifty feet to the point or place of beginning, being a plot fifty feet square; together with a right of way from the plot so conveyed to the northeasterly line of the New Dorp lane over a strip of land ten feet in width, and having as its northerly boundary the line or course of two hundred and six feet and six inches first above set forth; the courses above given being in accordance with the magnetic meridian of June, eighteen hundred and ninety. A survey and diagram showing the location and boundaries of the premises shall be filed in the office of the secretary of state.

Survey of
location.

Jurisdic-
tion
ceded.

§ 2. The jurisdiction of the state of New York in and over the described property shall be and is hereby ceded to the United States, subject to the restrictions hereinafter mentioned.

Concur-
rent juris-
diction.

§ 3. The said consent is given and the said jurisdiction ceded upon the express condition that the state of New York shall retain concurrent jurisdiction with the United States in and over the said property so far as that all civil and criminal process which may issue under the laws or authority of the state of New York, may be executed thereon in the same way and manner as if such consent and jurisdiction had not been given.

Jurisdic-
tion, when
to vest.

§ 4. The jurisdiction hereby ceded shall not vest in any respect to any portion of said property, until the United States shall have acquired title thereto by purchase or otherwise.

Exemp-
tion from
taxes, etc.

§ 5. The said property when acquired by the United States shall be and continue forever thereafter exonerated and discharged from all

taxes, assessments and other charges which may be levied or imposed under the authority of this state; but the jurisdiction hereby ceded Proviso. and the exemption from taxation hereby granted, shall continue in respect to said property so long as the same shall remain the property of the United States and be used for public purposes and no longer.

§ 6. This act shall take effect immediately.

CHAP. 184.

AN ACT to amend chapter one hundred and forty-three of the laws of eighteen hundred and sixty-one, entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester," as amended by chapter fourteen of the laws of eighteen hundred and eighty."

APPROVED by the Governor April 14, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter one hundred and forty-three of the laws of eighteen hundred and sixty-one, entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester," as amended by chapter fourteen of the laws of eighteen hundred and eighty, is hereby amended so as to read as follows: City charter amended.

§ 2. The boundaries of said city shall be as follows: Beginning at a point in the present northerly line of the city of Rochester, which said point is in the middle of the Ridge road, eight chains and seventy-five links distant easterly from the top of the east high bank of the Genesee river; thence south, fifteen minutes east, to the north line of Norton street; thence easterly, on the said north line of Norton street to a point two hundred feet easterly from the east line of lot number forty in the town of Irondequoit; thence southerly, on a line parallel with said east line of said lot number forty, and at a distance of two hundred feet easterly therefrom to the south line of the highway called Waring street; thence southeasterly along the south line of said Waring street and said line continued to a point which would be the intersection of the said line with the east line of the highway known as the Culver road, thence southwesterly on the said line of said Culver road to the north line of lot number thirty-seven in the town of Brighton; thence westerly, on the north line of said lot thirty-seven, and on the north line of lots forty-five and fifty-three, in said town of Brighton, to a point in the north line of said lot fifty-three, two hundred and ninety feet easterly from the northeast corner of lot number sixty-one, in said town; thence southerly, on a line parallel with the east line of said lot number sixty-one, to the northerly line of a road known as Elmwood avenue; thence westerly along the northerly line of said road known as Elmwood avenue to a point, which said point is at the intersection of the northerly line of said Elmwood avenue with the westerly line of the lands now owned by the New York, Lake Erie and Western Railway Company; thence southerly, on the westerly line of the lands now owned by said railway company, to a point in the center of the Westfall road, so called; thence westerly, along the center Boundaries of city.

of the Westfall road to a point in the center of said Westfall road where said road makes an angle to the north ; thence southwesterly, in a straight line through lands now owned by, or known as, the Harmon farm and the Baker farm to a point where the east bank of the Genesee river intersects the west line of the Wolcott road, so called ; thence northerly, along the east shore of the Genesee river, to a point where the northerly line extended, of a road running between the lands of E. Chapin and Mathias Kondolf, on the west side of said river, would intersect said east bank of said river ; thence westerly, along the said line, so extended, and continuing along the said line, to a point where the said line intersects the easterly line of lands now owned by the Western New York and Pennsylvania Railroad Company ; thence northerly, along the east line of the said lands owned by said company, to a point where the east line of said railroad would be intersected by the extended center line of Genesee street ; thence northerly through the center of a road which is the continuation of Genesee street, to a point where the center line of said Genesee street intersects the present southerly line of said city ; thence westerly, along the present southerly line of said city, to the intersection of the said southerly line of said city with the present westerly line of said city ; thence northerly, along the westerly boundaries of said city, in its various courses, to the northerly line of a highway called the Chili road ; thence westerly, along the northerly line of the said Chili road, to the easterly line of a highway called Lincoln avenue ; thence northerly, along the easterly line of said Lincoln avenue, to the south line of a highway called the Buffalo road ; thence easterly, along the southerly boundaries of the said Buffalo road, to the present westerly city line ; thence northerly, along the present westerly city line, to a point where the present westerly line of the city intersects the present northerly line of the city ; thence easterly, along said northerly line, to a point twelve hundred feet easterly from the east line of Lake avenue ; thence northerly, on a line parallel with Lake avenue, one thousand and eleven feet, to a point ; thence north, thirty-six degrees and twenty-six minutes west, eight hundred and eighty-eight feet, to a point ; thence north, twelve degrees and four minutes west, to the center of a road leading to Hanford's Landing ; thence easterly, along the center of said road leading to Hanford's Landing, to a point fifty feet westerly from the westerly high bank of the Genesee river ; thence northerly, parallel with the top of the westerly high bank of the Genesee river, and fifty feet distant westerly therefrom, to the north line of the lands of William Merrill ; thence easterly, along the north line of the lands of William Merrill, and the said north line produced easterly, to the east shore of the Genesee river ; thence northerly, along the east shore of the Genesee river, in its various courses, to the north line of lot number fourteen in township fourteen, in the seventh range of townships, in the town of Irondequoit ; thence easterly, along the north line of said lot fourteen, to the westerly line of the lands owned by the Rome, Watertown and Ogdensburgh Railroad Company ; thence southerly, along the westerly line of lands owned by the said Rome, Watertown and Ogdensburgh Railroad Company, to a point at which the south line of the lands owned by Hosea Rogers, produced westerly, would intersect the western boundaries of the lands of the Rome, Watertown and Ogdensburgh Railroad Company ; thence easterly along the said south line of the lands owned by Hosea Rogers, produced to the easterly boundaries of the Rome, Watertown and Ogdensburgh company's lands ; thence south-

erly along the eastern boundaries of said Rome, Watertown and Ogdensburgh Railroad Company's lands to a point on the easterly line of lands recently purchased from Charles Howard by the city of Rochester; thence southerly along the easterly line of lands recently purchased from Charles Howard, W. G. Culross, Emma D. Culross, Albert G. Callister, John D. Callister and Elizabeth Callister, to the south line of said lands recently purchased by the city of Rochester from Elizabeth Callister; thence easterly along the south line of said Elizabeth Callister's land to the east side of a road which said road is in continuation of North Saint Paul street in the city of Rochester; thence south, seventeen degrees and forty minutes east, to the middle of the Ridge road; thence westerly, along the middle of the Ridge road, to the place of beginning.

§ 2. All of the above described territory taken into said city by section one of this act, lying west of the center of the Genesee river, shall be taken into and added to the fifteenth ward of said city, and all of the above described territory taken into said city by section one of this act, lying east of the center of the Genesee river, shall be taken into and added to the sixteenth ward of said city.

Territory added to fifteenth and sixteenth wards.

§ 3. This act shall take effect immediately.

CHAP. 185.

AN ACT to regulate the keeping of intelligence offices, employment agencies, or other places where a fee is charged for the procuring of employment or situations in the city of Brooklyn, county of Kings, state of New York.

APPROVED by the Governor April 14, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. From and after the passage of this act no person shall engage in the business of keeping an intelligence office, employment bureau or other agency in the city of Brooklyn where a fee is charged for registration, or for the purpose of procuring or assisting to procure employment, or situations of any kind, or for furnishing help to any person either in or out of said city, without first procuring a license therefor from the mayor of said city, under a penalty of not more than fifty dollars' fine for each offense, said fine to be imposed by a police magistrate, who shall have power to commit the person so offending, for a period not exceeding thirty days, in default of payment of said fine. And no license shall be granted for such purpose, except to persons of good general character, who shall be required to furnish to said mayor satisfactory proof of such fact. And in case any person shall be charged a fee, for the purpose of obtaining employment or a situation, by any such intelligence office or employment agency bureau, and it shall be proved that no such employment or situation was to be obtained, or any vacancies existing at the place to which such person be sent, then the keeper of said office or agency shall be liable to said person for the fare paid by him or her in going to and returning from said place, and should the keeper of said office or agency fail to pay such fare, the mayor may revoke the license. Every keeper of such intelligence office, employment agency, or other place kept for the purpose of pro-

Penalty for doing business without license.

Granting of licenses.

Liability for fares paid.

Receipts for fees.

curing employment or situations, is hereby required to give to each person, from whom he accepts a fee, a receipt stating the amount so paid, and the character of the situation or employment they agree to procure for such person; the name and address of the person or persons to whom the applicant is referred, and in case the applicant fails to procure or accept said situation or employment, then said intelligence office keeper shall refund the full amount of such fee paid, to the person by whom such fee was paid at once, and it shall be deemed a misdemeanor for any such intelligence office keeper to receive or permit to be received, any money for other purpose except as herein provided, and every intelligence office keeper is required to give to the employer a guarantee, to furnish a servant, for at least one month, for a fee paid, and in case of failure to furnish such servant, such intelligence office keeper must refund to the employer the full amount of such fee paid.

§ 2. Every person engaged in the business of keeping an intelligence office, employment agency or other place where employment or situations are procured, in the city of Brooklyn, shall have on the back of each and every receipt, given by them for fees received for the procuring of employment or situations, a copy of the first section of this act printed clearly and legibly in plain type, and a failure to comply with this provision of this section shall be deemed a sufficient cause for the forfeiture of the license of the person violating the same.

§ 3. The mayor may require from each person licensed, or applying for a license under this act, a bond with a good and sufficient surety, conditioned for the faithful observance of the provisions contained therein.

§ 4. Each license shall designate the house in which the person licensed shall keep his office and the number of such license, and shall continue and be in force until the first day of April next ensuing the date thereof, and no longer, unless sooner revoked by the mayor.

§ 5. Every person who may be licensed under and by virtue of the provisions of this act, shall pay to the mayor for the use of the said city of Brooklyn, the sum of twenty-five dollars; and for the renewal of any such license the sum of twenty-five dollars.

§ 6. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 7. This act shall take effect immediately.

CHAP. 186.

AN ACT to authorize the use of armories in the county of Kings by associations of honorably discharged soldiers.

APPROVED by the Governor April 14, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. On application of the memorial and executive committee of the grand army of the republic of Kings county, or of one or more posts of the grand army of the republic of Kings county, the board of supervisors of said county may and they are hereby authorized to lease to such memorial and executive committee, or such post or posts of

the grand army of the republic, any armory the property of said county, not used or occupied for armory purposes, for a term of years, and at such rental as may be agreed upon between such board of supervisors and such memorial executive committee, or such post or posts of the grand army of the republic.

§ 2. This act shall take effect immediately.

CHAP. 187.

AN ACT to legalize and confirm the action of the electors of the towns of Lysander and Van Buren, Onondaga county, in relation to paying by tax the balance due on the soldiers' monument located in the village of Baldwinsville.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 15, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The action of the electors of the towns of Lysander and Van Buren in voting, February seventeen, eighteen hundred and ninety-one, to pay by tax the balance due on the soldiers' monument, located in the village of Baldwinsville, is hereby legalized, ratified and confirmed.

Action of
electors
legalized.

§ 2. The town of Lysander shall pay as its proportion of the said tax the sum of four hundred and eighty-five dollars and fifty-five cents, and the town of Van Buren as its share the sum of three hundred and fifty-four dollars and sixty-four cents. The tax necessary to liquidate the above amounts shall be levied in eighteen hundred and ninety-one and collected on the assessed valuation of the real and personal property of the said towns in the usual manner as provided by law.

Payments
by towns.

Tax there-
for.

§ 3. This act shall take effect immediately.

CHAP. 188.

AN ACT to amend chapter three hundred and thirty of the laws of eighteen hundred and eighty-three, entitled "An act to supply the city of Schenectady with water."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 15, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of chapter three hundred and thirty of the laws of eighteen hundred and eighty-three, entitled "An act to supply the city of Schenectady with water," is hereby amended so as to read as follows:

§ 5. The said commissioners shall make a report to the common council of said city, containing a distinct and full description of the plan adopted by them, and their estimate of the expenses thereof. The

Report of
plan.

Adoption and approval thereof by council.

Changes or alterations in plan.

Adoption and approval thereof, by council.

Council to raise money by loan.

Issue of bonds therefor.

Notice inviting proposals.

Award of bonds.

Proceeds of bonds, how applied and expended.

said common council shall vote upon the question of the adoption of any plan so reported, which vote shall be taken by yeas and nays and entered in the minutes. If the common council shall approve and adopt such plan, the water commissioners shall proceed to execute the same and not otherwise. If, after any such plan shall have been so adopted and reported by said commissioners and so approved and adopted by the common council as aforesaid, the said water commissioners, or their successors in that office shall deem it expedient to change or alter the plan so previously approved and adopted, they shall make a report to said common council of what changes or alterations in said original plan are wise and expedient, which report shall contain a distinct and full description of the changes or alterations in said original plan so proposed and reported by them, with an estimate of the expense thereof. The said common council shall thereupon vote upon the question of the adoption of the changes or alterations in said original plan so adopted by said water commissioners, which vote shall be taken by yeas and nays and entered in the minutes. If the common council shall approve and adopt such proposed changes or alterations in said original plan the water commissioners shall proceed to carry into execution such changes and alterations in the manner hereinafter provided.

§ 2. Section six of said act is hereby amended so as to read as follows:

§ 6. Upon the approval and adoption of any such plan, or of any such changes or alterations in any plan previously approved and adopted, it shall be the duty of the common council to raise by loan from time to time a sum not exceeding in the whole three hundred and fifteen thousand dollars by the creation of a public stock to be called the "Schenectady water loan," and for that purpose may issue the bonds of said city in sums of one thousand dollars each, with interest payable semi-annually, at a rate not exceeding four per centum per annum, to be signed by the mayor and treasurer of said city, and to be made payable at such times within thirty years after their respective issues as the said common council shall direct. Whenever the common council shall authorize the issue of any bonds, as herein provided for, they shall cause public notice to be given, by the publication thereof for three weeks in the daily newspapers published in said city, and in such other manner as the said common council may direct, that sealed proposals will be received for the purchase of said bonds, or any part thereof, at a time and place to be specified in said notice. At the time and place so mentioned the several proposals shall be publicly opened and read by the officers authorized by the common council to receive the same, and the said bonds shall be awarded to the highest bidder or bidders therefor, but at not less than par and accrued interest, if any.

§ 3. Section seven of said act is hereby amended so as to read as follows:

§ 7. The moneys raised by sale of such bonds shall be applied and expended under the direction of said water commissioners to and for the purpose of supplying the city of Schenectady with pure and wholesome water, according to the plan so adopted as aforesaid, or according to the plan as so changed or altered, as hereinbefore provided; to such extension and changes of water mains in the public streets of the city, and construction of fire hydrants connected therewith, as shall be ordered by the common council; and to the procurement of such repairs of pumping engines and buildings for the same as shall

be recommended by the water commissioners and approved by the common council, and to no other use or purpose whatever.

§ 4. This act shall take effect immediately.

CHAP. 189.

AN ACT to incorporate the Whirlpool Bridge Company.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 15, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All persons who shall become stockholders pursuant to this act shall be and they are hereby incorporated a body corporate by the name of the Whirlpool Bridge Company, with power to associate with any other persons, company, association or corporation in the United States or Canada for the construction and maintenance of a bridge for railroad and other purposes on the right bank of the Niagara river at some point between a point directly north of the outlet of the great whirlpool in the Niagara river, and within one mile northerly therefrom, to some point in Canada on the left bank of said river.

Corporators.

Objects.

§ 2. The capital stock of said company shall be five hundred thousand dollars with the privilege of increasing the same to two million dollars, to be divided into shares of one hundred dollars each.

Capital stock.

§ 3. The affairs of the company shall be managed by a board of nine directors, all of whom shall be stockholders of the company, holding at least ten shares each, and after the first election shall be chosen annually on the first Tuesday in June, in each year, at such place as the stockholders may direct, upon such notice to the stockholders, as a majority of the directors may appoint, by a majority of the stockholders voting at such election, in person or by proxy, and in such manner as may be prescribed in the by-laws of the company, and such directors shall continue to be directors until others are elected in their places; and in the election of directors, and in every other case wherein a vote shall be submitted to the stockholders and a poll demanded, each stockholder shall be entitled to one vote, personally or by proxy, on every share held by him, thirty days previous to any such election or vote being taken.

Directors.

Annual election thereof.

§ 4. The directors shall have the power to make all reasonable by-laws and rules consistent with general laws, for the government of the company and its officers and agents, and to fix such rates of toll for the use of said bridge, and from time to time change the same as they may deem expedient, and may require from stockholders payment of all sums of money by them subscribed, at such times and in such proportions as may be deemed proper, under a penalty of a forfeiture of their respective shares, and all payments thereon, first giving thirty days' previous notice of such call in two or more newspapers printed in the county of Niagara.

By laws.

Rates of toll.

Payment of subscriptions.

§ 5. All the stockholders under this act shall be severally and individually liable, to an amount equal to the amount unpaid on the stock held by them, respectively, for all debts and liabilities of such company, until the whole amount of capital stock so held by said stock-

Personal liability of stockholders.

holders, respectively, shall have been paid and a certificate or certificates thereof filed, on the part of each or all of said stockholders that the respective amounts of each have been paid, in the office of the clerk of the county of Niagara.

General powers and liabilities.

§ 6. The said corporation shall possess the general powers, and be subject to the restrictions and liabilities prescribed in title three of chapter eighteen of part first of the Revised Statutes, so far as the same are applicable thereto.

Power to take and hold real estate.

§ 7. The said corporation is hereby empowered to purchase, receive and hold such real estate on either side of the Niagara river, as may be necessary and convenient in accomplishing the objects for which this charter is granted, and may, by their surveyor and engineer, enter upon such sites and locations and take possession of the same. All such sites and locations as shall be entered upon, as aforesaid, shall, except donations, be purchased of the owner or owners at a price to be mutually agreed upon; in cases of disagreement as to the prices to be paid for such land, within the boundaries of the state of New York, then the said corporation shall possess all the powers and privileges contained in the thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth and twenty-eighth sections of the act entitled "An act to authorize the formation of railroad corporations and to regulate the same," passed April second, eighteen hundred and fifty, and as the same have been and stand amended and subject to the duties, liabilities and provisions of the said sections contained.

Title, how acquired in case of disagreement.

Consolidation with other corporations.

§ 8. The corporation shall possess the general powers and be subject to the restrictions and liabilities prescribed in the act entitled "An act authorizing the consolidation of certain railroad companies," passed May twentieth, eighteen hundred and sixty-nine, so far as the same are applicable thereto, for the purpose of consolidating with any corporation chartered for like purposes by the parliament of Canada; and shall further have the power to lease the said bridge, the approaches and connections and appurtenances thereto, to any chartered corporation for such time and on such time and terms as may be agreed upon.

Leasing of bridge.

Corporation may borrow money mortgage property, etc.

§ 9. The said corporation or the new corporation, in case of consolidation with any other corporation or corporations, shall have power from time to time to borrow such sums of money as may be necessary for constructing and completing the said bridge, and for acquiring the necessary real estate for the site thereof, and the approaches thereto, and to mortgage its corporate property and franchises to secure the payment of any debt which shall be contracted by such corporation for the purposes aforesaid, and it shall be lawful for any corporation, chartered by the legislature of this state, or by any other state, or by the parliament of Canada, or province of Ontario, to loan to* its credit to the corporation hereby created, or may subscribe to or become the owner of the stock thereof in like manner and with like rights as individual; and the said corporation or corporations having entered into such lease and agreed for the loan of its or their credit for that object, by direct guaranty of traffic, contract or otherwise, the said corporation hereby chartered, or the new corporation, in the case of consolidation, may issue bonds which shall bear the credit or guaranty of the said corporation or corporations, to an amount not

Corporations may loan credit to company, etc.

Issue of guaranteed bonds.

exceeding two million dollars, and shall have the same charge and effect upon the undertaking and property and to the same extent as is secured by this section by way of mortgage.

§ 10. The said corporation or corporations being lessees shall have the right to charge such fair compensation for the use of the bridge and the appurtenances and approaches thereto, by other corporations, or by any company whose business shall pass over the same, as shall be found requisite to enable them to pay, first, all the expense of keeping the works in repair, and interest upon the money borrowed for the construction thereof, and dividends not exceeding ten per centum on their capital stock and such additional sums as will furnish a sinking fund of each year not to exceed five per centum of the amount of its bonded debt, for the purpose of gradually extinguishing the same, and the deficiencies of toll to supply such compensation in any one year may be charged and collected in any subsequent year.

Compensation for use of bridge.

§ 11. If said bridge be not commenced before the first day of July eighteen hundred and ninety-six, and completed within five years, thereafter, said corporation shall thenceforth cease.

Time for commencing, etc.

§ 12. W. Caryl Ely, Charles B. Gaskill, of Niagara Falls; M. E. Dunlap and Jabez C. Pierce, of Suspension Bridge; George M. Porter, Ole L. Snyder, of Buffalo; Laselle J. Hayden, of New York city, in the state of New York, shall be commissioners, a majority of whom shall, when this act shall have passed and become a law, and as soon thereafter as they may deem expedient, have power to locate said bridge, which location shall not be changed, except by and with the consent of a majority of the commissioners herein named; and appoint some suitable place in the village of Suspension Bridge to open the books and receive subscriptions to the capital stock of said corporation, of which two weeks' public notice shall be given in such manner as the above named commissioners may deem expedient, and said commissioners may adjourn, from to time to time, as they may deem proper, and open the books for further subscriptions, until the sum of one hundred thousand dollars shall have been subscribed to the capital stock, and if more than the whole stock shall have been subscribed, the same shall be distributed pro rata among the subscribers.

Commissioners for locating bridge, etc.

Subscriptions to capital stock.

§ 13. The sum of ten dollars upon each share of stocks so subscribed shall be paid to the commissioners attending at the time of making such subscription, which shall be held for the purposes of the corporation, and shall be paid to the directors for such purposes, upon their election, as hereinafter provided, except in respect to such subscriptions as the said commissioners shall have excluded, in which case the said sums so paid in respect to such excluded subscriptions shall be returned by the commissioners to the person or persons who shall have paid the same.

Payments upon stock subscribed.

§ 14. As soon as the sum of one hundred thousand dollars on the capital stock shall have been duly subscribed and have obtained the approbation of the commissioners, they, or a majority of them, shall give two weeks' notice in two public newspapers published in the county of Niagara of a meeting of the stockholders to choose directors; and the said commissioners, or such of them as shall attend shall preside at the first election, and such election shall be made at the time and place appointed by the commissioners in their notices by such of the stockholders as shall be present in person or by proxy, and the said commissioners so presiding shall, under their hands, certify the names of the directors so elected, and shall appoint the time and place of the first meeting of the board

Choosing directors.

Certificate.

When
duties of
commis-
sioners to
cease.

of directors, and at such first meeting, and as soon as a majority of the directors shall be present, the commissioners shall deliver over the subscription money, books and papers to the directors, whereupon their duties under this act shall cease, except so far as pertains to the location of said bridge.

Appoint-
ment of
officers.

§ 15. The directors shall, at their first meeting after such election, and after every annual election of directors under this act, appoint from their number a president and vice-president; and a majority of the whole shall at all times form a quorum of the board for transaction of business.

Quorum.

§ 16. This act shall take effect immediately.

CHAP. 190.

AN ACT to amend chapter one hundred and forty of the laws of eighteen hundred and sixty-eight, entitled "An act to authorize the village of Canastota and the towns of Cazenovia and Fenner, in the county of Madison, to issue bonds and take stock in the Cazenovia and Canastota Railroad Company," passed April third, eighteen hundred and sixty-eight.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 15, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Compensa-
tion of
loan com-
missioners.

SECTION 1. Section five of an act entitled "An act to authorize the village of Canastota and the towns of Cazenovia and Fenner in the county of Madison to issue bonds and take stock in the Cazenovia and Canastota railroad company," passed April third, eighteen hundred and sixty-eight, is hereby amended by adding thereto the following: "Except that they may receive such compensation as said board of trustees, or the board of town auditors of said towns respectively may audit and allow, not exceeding two dollars per day for the time actually and necessarily spent in the discharge of their said duties."

§ 2. This act shall take effect immediately.

CHAP. 191.

AN ACT to amend chapter two hundred and eighty-four of the laws of eighteen hundred and seventy-two, entitled "An act to establish a court of special sessions in and for the city of Albany, and to confer further judicial powers upon the recorder of said city."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 15, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section ten of chapter two hundred and eighty-four of the laws of eighteen hundred and seventy-two, is hereby amended so as to read as follows:

§ 10. The recorder of the city of Albany shall have power to do and perform all the acts and duties that may by law, or according to the rules and practice of the supreme court, be done and performed by a justice of the supreme court at chambers in the judicial district, which shall include said city of Albany, including proceedings supplementary to execution.

Power to perform duties of supreme court justice at chambers.

CHAP. 192.

AN ACT to repeal chapter five hundred and fifty-eight of the laws of eighteen hundred and ninety, entitled "An act relating to the repair and improvement of highways and other town roads, and providing for the raising of money for such repairs and improvements in towns in which more than one-fourth of the taxable property has been condemned or appropriated for the purpose of a public park or parks."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 15, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter five hundred and fifty-eight of the laws of eighteen hundred and ninety, entitled "An act relating to the repair and improvement of highways, and other town roads, and providing for the raising of money for such repairs and improvements in towns in which more than one-fourth of the taxable property has been condemned or appropriated for the purpose of a public park or parks," is hereby repealed.

§ 2. This act shall take effect immediately.

CHAP. 193.

AN ACT amending chapter five hundred and nine, of the laws of eighteen hundred and eighty-seven, entitled "An act to permit and authorize the village of Greenbush to issue the bonds of the said village for the payment of the expense of grading, forming, paving and flagging any of the streets of the said village, and to extend the time of payment of the assessment therefor."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 15, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter five hundred and nine of the laws of eighteen hundred and eighty-seven, entitled "An act to permit and authorize the village of Greenbush to issue the bonds of said village for the payment of the expense of grading, forming, paving and flagging any of the streets of the said village, and to extend the time of payment of the assessment therefor," is hereby amended so as to read as follows:

Street im-
prove-
ments.

Notice to
elect time
of pay-
ment of
assess-
ments
therefor.

Failure to
elect.

Assess-
ment of
cost of
work.

Notice to
pay assess-
ments.

Issue of
bonds.

§ 1. Whenever the village of Greenbush shall, pursuant to the laws of the state of New York and ordinances of said village having reference thereto, provide for the grading, forming, paving and flagging of a street, or any of the streets in said village, and the contract or contracts for such have been duly let in conformity to the ordinances and by-laws of said village, the treasurer of said village shall forthwith, in writing, notify all persons or parties owning property which is liable to be assessed for said improvement, to serve upon him notice, in writing, within thirty days thereafter, whether such person, persons or parties elect to pay the amount of his, her or their assessment, for such improvement, immediately, within one year, five years, ten years, or fifteen years, from the final completion of said work, or in twenty annual installments from said date of completion, which said notice shall be subscribed by the said party or parties, or by his, her or their lawful agent. And all persons or parties so liable to be assessed not serving such notice shall be deemed to have elected to pay said assessments in twenty annual installments with annual interest.

§ 2. Section two of said chapter is hereby amended so as to read as follows:

§ 2. Whenever the work of grading, forming, paving and flagging any of the streets of the village of Greenbush shall have been fully completed in conformity to the terms of the contract therefor, and the work has been duly approved of and accepted by the proper authorities of said village in conformity to the requirements of the village ordinances, the assessors of said village shall forthwith proceed to make a correct and lawful assessment of the cost of the same upon the property liable therefor, and as soon as said assessment is completed, shall notify the treasurer of the same, who shall notify the person, persons or parties who have notified him of his, her or their intention to pay said assessments immediately to call at the office of the receiver of taxes within fifteen days next ensuing the date of said notice, between the hours of one in the afternoon and five in the afternoon, and pay the amount of their said assessment. And at the expiration of said

fifteen days the said village of Greenbush shall be authorized to forthwith issue its bonds for an amount sufficient to pay the balance of said amount due on said contract after applying thereon such sums as have been paid in cash, together with the necessary expenses attendant upon the issuing of said bonds. Said bonds shall be issued under the seal of said village of Greenbush, and shall be known as "Greenbush improvement bonds" of the series of the year in which they shall be respectively issued and shall be of four classes; the first for an amount sufficient to pay the assessment of those persons or parties who have elected to pay in five years together with their proportionate share of the expenses of issuing the same, which said bonds shall be payable in five years from date, with interest annually at four per centum per annum; the second class shall be for an amount sufficient to pay the assessments of such as have elected to pay in ten years, together with their proportionate share of the expenses of issuing the same, which said bonds shall be payable in ten years from date, with interest annually at four per centum per annum; the third class shall be for an amount sufficient to pay the assessment of such persons as have elected to pay in fifteen years, together with their proportionate share of the expenses of issuing the same, which said bonds shall be payable in fifteen years from date, with interest annually at four per centum per annum; and the fourth class shall be for an amount sufficient to pay the assessment of such as have elected to pay in twenty annual installments, together with their proportionate share of the expenses of issuing the same. All of said bonds are to bear date on the day of the date of the acceptance of the contract work by the proper authorities of the said village of Greenbush, and are severally to be of such denominations as the treasurer of said village may deem most advisable. And it is expressly provided that in case any party who shall have elected to pay his, her or their assessments immediately, shall fail so to do within the fifteen days as above provided, then and in that case the amount so unpaid shall be embraced in and form a part of the sum to be provided for by the twenty years' bonds above mentioned, said bonds as soon as issued shall be at once negotiated, but the same shall not be sold for less than par. With the moneys so paid in immediately, as above provided, and the proceeds of the sale of such bonds, there shall be paid by the treasurer of said village, upon the certificate of the street commissioner of the said village, countersigned by the president of the said village, stating that the work has been completed in accordance with the terms of contract therefor, the costs and expenses of the said work, and the costs and expenses of issuing said bonds, and the surplus, if any, shall be applied to the fund to be provided for the payment of said bonds.

When payable and interest thereon.

Date and denominations.

Proviso in case assessments not paid.

Sale of bonds.

Payment of costs and expenses of work, etc.

§ 3. Section five of said chapter is hereby amended so as to read as follows:

§ 5. The board of trustees of said village of Greenbush, in making up the annual tax budget of said village, shall each year notify the assessors of said village to assess upon and against the property affected by said assessment for said improvements, and said assessors shall add to the village tax imposed upon such property an* addition to the usual annual tax the proportionate amount chargeable to each piece of property upon which the tax or assessment for said improvement has not been paid, having due reference to such property as is to pay its assessment in five years and such as is to pay in ten years, and such as is to pay in fifteen years, and such as is to pay in twenty annual install-

Annual tax upon lands on which assessments are not paid.

*So in the original.

Proceeds
set apart.

ments, and said tax or assessment so imposed is to be levied and collected in the same manner as other village taxes, but the amount arising therefrom is not to go into the general fund, but is to be set apart and disposed of as provided in the following section of this act.

§ 4. Section six of said chapter is hereby amended so as to read as follows:

Deposit
and invest-
ment of
funds
received.

§ 6. The treasurer of the village of Greenbush shall keep the moneys received by him for the payment of assessments under this act, and the proceeds of the sale of bonds under this act, deposited in some bank in the city of Albany, and the said treasurer shall, under and by the approval of the board of trustees of the village of Greenbush and the direction of the president of said village, invest the same in such securities or on bond and mortgage security as shall be approved by the trustees of said village, but no money received by said treasurer arising from the collection and sales on said assessments, or the sales of bonds under this act, shall be drawn from the bank in which the same has been deposited by him as aforesaid, until the check, warrant or draft is countersigned by the president of the said village. And the said treasurer shall annually on the first day of July submit to the trustees of the said village a detailed statement of all moneys received by him from all sources under this act during the previous year and of the investments thereof made by him. The treasurer shall apply said

Moneys,
how drawn
from
bank.

Annual
report.

Applica-
tion of
funds to
pay bonds.

funds to the payment of the bonds herein provided to be issued and the interest due thereon at the maturity thereof, and shall at such time surrender to the trustees of the village for the purpose of being canceled such bonds or evidence of debt as may have been paid or redeemed by him. The said treasurer of the village of Greenbush shall immediately, upon the passage of this act, make, execute and file with the board of trustees of the village of Greenbush a bond to the village in the sum of twenty thousand dollars and with such sureties as the board of trustees shall approve, conditioned for the faithful performance of his duties under this act and each succeeding treasurer shall make, and execute a bond in the sum above mentioned and with the same conditions at the time when he shall qualify as treasurer of said village. The treasurer shall receive as a compensation for his services under this act such sum as shall be annually fixed by the board of trustees of the village of Greenbush, which said sum shall not exceed the sum of one thousand dollars. And the sum so fixed as a compensation to the treasurer under this act shall be added to and make a part of the costs and expenses of said work and the expense of issuing said bonds under this act, as provided in section three of said act. After the bonds and the interest thereon shall have been fully paid, the surplus, if any there be remaining, shall be transferred by said treasurer to the general fund of said village.

Bond of
treasurer.

Compensa-
tion.

Transfer of
surplus.

§ 5. This act shall take effect immediately.

CHAP. 194.

AN ACT to amend sections one and two of chapter two hundred and four of the laws of eighteen hundred and seventy-nine, entitled "An act to prevent ice gorges in the river St. Lawrence."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 15, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter two hundred and four of the laws of eighteen hundred and seventy-nine, entitled "An act to prevent ice gorges in the river St. Lawrence," is hereby amended so as to read as follows:

§ 1. From and after the passage of this act it shall be unlawful for any person or persons to cut, loosen or detach from any bay, estuary, inlet or main, or island shore of the river St. Lawrence, within the jurisdiction of the state of New York, any field of ice, or large body of ice, for the purpose or with the intent of using the same as a bridge or passageway between any island of said river and the main shore, or between any islands of said river; and the sheriff of the county of St. Lawrence is hereby authorized to appoint one or more deputies of said sheriff, as shall seem to him necessary, to patrol said river, within said county, at such time and times as shall to him seem proper, and to arrest any person or persons there found engaged in performing, or attempting to perform, any of the acts hereby forbidden; and the fees, charges and expenses of such deputy or deputies, for such service, shall be a county charge against said county, to be audited and allowed by the board of supervisors of said county and paid out of its treasury.

Detaching
ice for
bridges
prohibited.

River
patrol.

Expense
thereof.

§ 2. Section two of said act is hereby amended so as to read as follows:

§ 2. Any person violating or attempting to violate section one of this act shall be deemed guilty of a misdemeanor and punished accordingly.

Penalty

§ 3. This act shall take effect immediately

CHAP. 195.

AN ACT to provide for the construction and maintenance of a system of sewerage in the city of Hornellsville, New York.

APPROVED by the Governor April 15, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be in and for the city of Hornellsville a board of sewer commissioners, to consist of six competent persons who shall be appointed by the mayor of said city by and with the advice and consent of three-fourths of the members of the common council, one of said commissioners shall hold office six years, one five years, one four years, one three years, one two years, and one one year, from the first day of July, eighteen hundred and ninety-one.

Sewer
commis-
sioners,
appoint-
ment and
terms of.

How selected.	Three of said persons shall be selected from the party which cast, at the last general election, the greatest number of votes, and three of said persons shall be selected from the party which cast the next greatest number of votes at such election. And
Vacancies.	after such appointments are first made, the mayor, by and with the advice and consent of three-fourths of the members of the common council, shall in each year that a vacancy occurs, fill the same by appointment for the term of six years. If any vacancy happens by resignation or otherwise, he shall in the same manner appoint a commissioner for the residue of said term. Any commissioner
Suspensions and removals.	may be suspended from office by the mayor upon written charges preferred. The mayor shall report the fact of such suspension and the reasons therefor at the next regular meeting of the common council, and if a majority of such common council shall approve of the act of the mayor, such commissioner shall be removed from office and his term of office shall expire, otherwise his suspension shall cease. No
Ineligibility.	person who holds any other city office shall be eligible to an appointment as sewer commissioner, and if he shall be elected or appointed to any other city office, his position as sewer commissioner shall be vacant. Those in office shall continue to perform the duties of said office until their successors are respectively appointed and qualified to act.
Continuance of duties.	Before entering upon his duties as such, each commissioner shall take the oath of office prescribed by the constitution, and make his bond to the city of Hornellsville, with surety or sureties conditioned for the faithful discharge of his duties as such commissioner, in such sum, of
Oath of office and bond.	not less than fifteen thousand dollars, as the mayor of the city shall direct and approve, and such official oath and bond shall be filed with the clerk of the city. The commissioners shall have no pay or compensation for their services as such.
Officers of board.	§ 2. The commissioners shall elect from their number a president, a secretary and treasurer of the board, and by a resolution fix their respective terms of office. The treasurer shall give a bond to the city of Hornellsville for the faithful discharge of his duties and to account for all moneys, bonds and other property coming to him as such treasurer in the penal sum of at least twenty-five thousand dollars, and with at least four sureties to be approved by the common council of said city. The commissioners shall also have the power to employ
Treasurer to give bonds.	engineers, a superintendent, clerk, and such other assistants as they may deem necessary, whose compensation shall be paid by the treasurer of said board of commissioners as a part of the expense of sewer construction.
Engineers, superintendent, etc.	§ 3. The commissioners shall have the exclusive power and authority to adopt the plans for and to construct a system of sewerage in and through the streets and alleys, parks and other public places in the city of Hornellsville, and when in their opinion, the public interest requires, through the lands of any person or persons, corporation or company upon the assessment and payment of damages as hereinafter provided, and have the maintenance and management thereof; and it shall be their duty to make by-laws and regulations for the protection, use and operation of such system of sewers, and the several parts thereof after construction, and to prescribe penalties for the violation of such by-laws, rules and regulations, and to cause prosecution for such violation in the name of the city of Hornellsville.
Powers and duties of commissioners.	§ 4. The commissioners shall have, and they are hereby vested with the power, to borrow a sum of money, not exceeding one hundred thousand dollars, on the bonds of the city of Hornellsville, and to ex-
May borrow money.	

pend the same for the purpose of providing such system of sewers. Such bonds shall be issued by the city of Hornellsville, bearing interest at a rate not exceeding four per centum per annum, payable semi-annually; none of the principal shall be payable within twenty-five years, but from and after that time ten thousand dollars of the principal of the bonds shall be payable annually. Such bonds shall be coupon bonds, signed by the mayor of said city and the treasurer of said board of sewer commissioners, attested by the city clerk under the official seal of the city. Said bonds, principal and interest, shall be a lien upon all of the taxable property of said city, real and personal, and such property is hereby pledged for their payment. The bonds shall not be sold nor negotiated by the commissioners for less than their par value.

Issue of bonds.

Lien of bonds.

Sale.

§ 5. The common council of the city of Hornellsville shall include in the tax levy, and cause to be collected each and every year for twenty-five years from and after the passage of this act, a sum sufficient to pay the interest on the aforesaid bonds, or on so much of the same as have been negotiated, sold or pledged by said commissioners, pursuant to the provisions of this act, and thereafter, until the bonds so negotiated, sold or pledged are all paid, the common council shall raise as aforesaid, a sum sufficient to pay annually ten thousand dollars of the principal sum, provided that bonds to that amount have been negotiated, sold or pledged by said commissioners pursuant to the provisions of this act, and to pay interest upon the amount of principal remaining unpaid; and the city chamberlain shall pay such sums when collected to the treasurer of the board of sewer commissioners annually, who shall pay the interest on outstanding bonds and the principal as the same becomes due.

Tax for interest and principal.

§ 6. The treasurer shall, on the first day of January in each and every year, after the passage of this act and at such other times as said commissioners shall require, make to the board of commissioners a report, containing a detailed statement of all moneys received and paid out by him during the year preceding, and the sources from which the receipts were derived and the purposes to which the payments were applied, and within ten days thereafter the commissioners shall make to the common council of the city of Hornellsville a report of their doings during the preceding year, ending with the thirty-first day of December, containing an account of what has been done by them, of moneys received and of the sources from which they came and how expended.

Annual statement by treasurer.

§ 7. The commissioners shall on the first day of January in each and every year, or as soon thereafter as practicable, submit to the common council of the city of Hornellsville, a detailed estimate of the sum necessary for the then current year to pay the expenses of repair and maintenance of the system of sewers so constructed, and it shall be the duty of the common council to provide such sum by levy and collection of a tax for that purpose, and the commissioners may from time to time when they deem it advisable to do so, present to the common council the estimated expense of specified extensions and alterations, or either, of the system of sewers in the city, and it shall be the duty of the common council to give the requisite notice and take such steps as are required by law or by the charter of said city to make such extensions or alterations, and if so made the common council shall include the amount in the then next tax levy, and when collected it shall be paid to the commissioners to be used for the purposes specified in such statement of estimates.

Annual estimate of sewer expenses.

Tax therefor.

Extensions and alterations.

Contracts
for work,
etc.

Business
quorum.

Lands,
sewers,
etc., may
be ac-
quired.

Issue of
bonds for
prelimin-
ary expen-
ses.

Descrip-
tion of
plan and
system.

Special
election.

Inspectors
of elec-
tion.

Qualifica-
tion of
voters.

Restriction
as to ex-
ercise of
power.

§ 8. All contracts for work and materials for constructing and repairing sewers shall be made by and in the name of the board of sewer commissioners, and paid for by them out of the money provided and appropriated pursuant to this act. A majority of the commissioners shall constitute a quorum for the transaction of business, but no contract shall be made requiring expenditure of moneys without the concurrence of the majority of said commissioners.

§ 9. The commissioners may take by purchase, gift or condemnation, and appropriate such lands in the city and town of Hornellsville, or such rights or easements in the same, and such sewers heretofore constructed in the streets and alleys of said city by any person or company, as they may deem necessary for the purposes of such sewerage, which lands and rights in them and sewers so taken and acquired shall thereafter belong to the city of Hornellsville.

§ 10. Prior to the adoption of any plan for the construction of sewerage, and prior to the construction of any sewers, the commissioners shall have and are vested with the power to borrow a sum of money not exceeding five thousand dollars on the bonds of the city of Hornellsville, provided for in section four of this act, and to expend the same in making the proper surveys, topographical maps and plans for a system of sewerage for the city and for excavating, test pits, making borings, gauging of streams, and such other necessary expenditure as said commissioners may deem proper and advisable for the presentation in a proper and intelligent manner to the electors of said city of the plans and methods of sewerage to be adopted by said commissioners, and after the adoption by said commissioners of the plan or system of sewerage, based upon such surveys, tests etcetera, as hereinbefore provided, a written description of such plan and system with the estimated cost thereof shall be filed in the office of the city clerk, which shall be open to the inspection of any elector of said city. At a time thereafter to be selected by said commissioners, a notice of which shall be published in at least two of the newspapers published in said city, for a period of three weeks prior to the time so selected, a special election shall be held at the city hall in and for the city of Hornellsville, for the purpose of determining whether said city shall issue the bonds and construct the sewers hereinbefore mentioned. The ballots cast thereat shall be indorsed "bonds and sewers," and shall have written or printed on the inside thereof the words "for the bonds and sewers," or, "against the bonds and sewers."

§ 11. Within ten days after the first publication of the aforesaid notice by said commissioners, the mayor of said city shall appoint one alderman from each ward who, together with the city clerk, shall constitute a board of inspectors for the purpose of holding and conducting such election. Any legal voter at a general election whose name appears upon the last preceding city tax-roll shall be entitled to vote at such election.

§ 12. This act shall take effect immediately, but none of the powers hereinbefore given shall be exercised except the power to issue and negotiate bonds in an amount not exceeding five thousand dollars, and to use the same in making surveys, etcetera, as provided in section ten unless a majority of all the votes cast at an election to be held as herein provided for shall be affirmative votes.

§ 13. This act shall take effect immediately.

CHAP. 196.

AN ACT to amend chapter five hundred and ninety-six of the laws of eighteen hundred and sixty-seven, entitled "An act to enable the electors of the town of Half Moon, in Saratoga county, to vote by districts for the election of town officers," and to repeal part of said act.

APPROVED by the Governor April 15, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of chapter five hundred and ninety-six of the laws of eighteen hundred and sixty-seven, entitled "An act to enable the electors of the town of Half Moon, in Saratoga county, to vote by districts for the election of town officers," is hereby repealed. Repeal.

§ 2. Section six of said act is hereby amended so as to read as follows:

§ 6. The inspectors of election for the several election districts in said town, chosen or appointed to preside as such inspectors at general elections held therein, shall be the inspectors of election in such districts at all annual and special town elections held therein for the election of all town officers required by law to be elected by ballot. Inspectors of election.

§ 3. This act shall take effect immediately.

CHAP. 197.

AN ACT to amend section two thousand eight hundred and fifty-six of the Code of Civil Procedure, relating to testamentary guardians.

APPROVED by the Governor April 15, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-eight hundred and fifty-six of the Code of Civil Procedure, is hereby amended so as to read as follows:

§ 2856. The surrogate's court having jurisdiction to require security may compel a judicial settlement of the account of a guardian appointed by will or by deed, in any case where it may compel a judicial settlement of the account of a general guardian; and the proceedings to procure such a settlement are the same as if the guardian so appointed by will or by deed had been a general guardian. A guardian appointed by will or by deed may present to the surrogate's court a written petition, duly verified, praying for a judicial settlement of his account, and a discharge from his duties and liabilities, in any case where a petition for a judicial settlement of his account may be presented by any other person as prescribed in this article. The petition must pray that the person who might have so presented a petition may be cited to attend the settlement. Upon the presentation Judicial settlement of account, surrogate may compel.

Petition of guardian for settlement.

Issue of

of such petition the surrogate must issue a citation accordingly. Sections twenty-seven hundred and thirty-three to twenty-seven hundred and thirty-seven, both inclusive, and sections twenty-seven hundred and forty-one and twenty-seven hundred and forty-four of this act apply to a guardian accounting as prescribed in this article, and regulate the proceedings upon such an accounting. A guardian designated in this title is entitled to the same compensation as a general guardian.

§ 2. This act shall take effect September first, eighteen hundred and ninety-one.

Citation thereon.

Compensation.

When to take effect.

CHAP. 198.

AN ACT to amend chapter eight hundred and ninety-seven of the laws of eighteen hundred and seventy-one, entitled "An act to incorporate the Poughkeepsie Bridge Company for the purpose of constructing and maintaining a bridge, appurtenances and approaches to the same over the Hudson river at a point or points between the city of Poughkeepsie and town of Lloyd, Ulster county, on said river."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 16, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter amended.

§ 1. Chapter eight hundred and ninety-seven of the laws of eighteen hundred and seventy-one, entitled "An act to incorporate the Poughkeepsie Bridge Company, for the purpose of constructing and maintaining a bridge, appurtenances and approaches to the same, over the Hudson river at a point or points between the city of Poughkeepsie and the town of Lloyd, Ulster county, on said river," is hereby amended by adding thereto the following section, to be known as section seventeen:

Path, etc., for foot passengers.

Rate of toll.

Penalty for forcing passage.

Regulations.

§ 17. The corporation hereby created shall provide and maintain a convenient path and approaches for foot passengers desiring to cross said bridge and shall erect toll-gates and fix the rate of toll for such foot passengers entering upon or crossing over said bridge, its entrances, avenues and approaches, but no greater toll shall be exacted or charged for every foot passenger entering upon or passing over said bridge than seven cents, and said rates of toll shall be posted up conspicuously at each end of said bridge. If any person shall force a passage upon or over said bridge without having paid the established toll such person shall be deemed guilty of a misdemeanor and shall forfeit and pay to the said corporation five times the amount of legal toll, to be recovered in the name of the corporation hereby created, with costs of suit. The directors of said company may by proper regulations prohibit loitering or smoking upon said bridge, and may prohibit children actually or apparently under fourteen years of age from entering thereon unless accompanied by a person of mature age.

§ 2. This act shall take effect immediately.

CHAP. 199.

AN ACT to amend chapter two hundred and twenty-nine of the laws of eighteen hundred and seventy, entitled "An act to organize and establish a police for the city of Schenectady."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 16, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section sixteen of chapter two hundred and twenty-nine of the laws of eighteen hundred and seventy, entitled "An act to organize and establish a police for the city of Schenectady," is hereby amended so as to read as follows :

§ 16. The policemen appointed by such board of police, shall receive for their services such compensation as shall be directed by the said board and approved by the common council of said city, which shall not in any case, except as hereinafter provided, be less than five hundred dollars per annum, nor more than eight hundred dollars per annum. The said board of police shall select, from the policemen appointed by them, one of their number, who shall be known as the chief of police, whose duty it shall be, under the direction of the said board of police, to superintend the police department in the said city, of which department he shall be the chief executive officer. He shall keep a book of records, to be denominated "police records," in which he shall make daily entries of all the proceedings in his department, and of all the services rendered by him and the several policemen. He shall, on the first day of each month report to the board of police the state of his department, the services performed by the policemen respectively, the amounts respectively due to them for their services in the preceding month, and whether any of them have been delinquent in their duties. The said chief, during the absence from his office of the police justice of said city, shall possess the power of said police justice to entertain complaints for criminal offenses, and to issue warrants for the arrest of persons charged with such offenses, which warrant shall be made returnable before the police justice of said city of Schenectady. He shall also possess the power to commit persons charged with criminal offenses until an examination shall be had before such police justice. (The said board of police may appoint one of the policemen, by them appointed, assistant chief of police, who shall, in the absence, or inability to serve, of the chief of police, possess his powers and perform his duties, subject to such rules and regulations as may be established by such board of police.) The said board of police may also appoint one of the policemen, by them appointed, sergeant of police, who shall perform such duties pertaining to police force and police department of said city as may be from time to time prescribed by said board of police. The compensation of such chief of police, of the assistant chief of police and of said sergeant of police shall be such sums, respectively, as shall be directed by the said board of police and approved by the common council of said city, which respective sums shall not be less than five hundred dollars, nor more than twelve hundred dollars per annum in case of the compensation of the chief of police, nor less than five hundred dollars or more

Police act amended.

Policemen, compensation of.

Chief of police, his powers and duties.

Assistant chief of police.

Sergeant of police.

Compensation of chief, assistant and sergeant.

than nine hundred dollars per annum in case of the assistant chief of police; nor less than five hundred dollars or more than nine hundred dollars per annum in case of the sergeant of police.

§ 2. Section seventeen of said act is hereby amended so as to read as follows:

Oath of office.

Terms.

Removals for cause.

Suspensions.

§ 17. The said chief of police, assistant chief of police, sergeant of police and each policeman and special policeman before he enters upon the discharge of his duties, shall take and file with the city clerk the constitutional oath of office. The chief of police, assistant chief of police, sergeant of police and the policemen (excepting special policemen) shall hold office during good behavior. Any one of the number may be removed by the board of police on proof of charges preferred to them in writing of illegal, corrupt or otherwise improper conduct of which he has had notice, and after he has had an opportunity to be heard in his defense; and pending such charge the board of police may suspend any policeman from duty. The police board may also, for disobedience of their orders, or other offense not involving corrupt or criminal conduct, suspend temporarily from duty or pay or both, any policeman; but such suspension shall not exceed thirty days.

§ 3. This act shall take effect immediately.

CHAP. 200.

AN ACT to amend chapter one hundred and twenty-nine of the laws of eighteen hundred and seventy-two, entitled "An act to amend an act passed May third, eighteen hundred and seventy, entitled 'An act to amend an act to incorporate the city of Troy, passed April twelfth, eighteen hundred and sixteen' and the several acts amendatory thereto, and also to amend other acts relating to the city of Troy" and the acts amendatory of said chapter one hundred and twenty-nine.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 16, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

City charter amended.

Proceeding for street opening and improvements, how instituted.

Reference to committee of council.

SECTION 1. Section two of title four of chapter one hundred and twenty-nine of the laws of eighteen hundred and seventy-two, is hereby amended so as to read as follows:

§ 2. Proceedings for opening, widening, extending or altering any street, avenue, highway or alley in said city must be instituted either (1) by petition addressed to the common council and signed by a sufficient number of persons who are owners of land adjoining the proposed improvement to warrant that body in considering the matter, or (2) upon the recommendation of the public improvement commission in said city transmitted, in writing, to the common council, or (3) by resolution of the common council, duly adopted by a majority of all the members of that body. The matter shall then be referred to a committee of not less than three members of the common council, whose duty it shall be to visit the locality of the proposed improvement, in company with the city engineer, and promptly to report to

the common council such facts as they may ascertain with reference to such improvement. If the common council shall deem it proper to allow the matter to proceed, it shall be referred to the local assessors of said city, who shall fix the limit or district of assessment, beyond which the assessment for the expense of said improvement shall not extend; and the said assessors shall promptly transmit to the common council a description of such limit or district of assessment which shall be published in the minutes of that body. The common council shall then direct the corporation counsel to cause a notice to be published in the official papers of said city, once a week for not less than two weeks successively, that the matter of such proposed improvement is pending before that body and said notice shall state a time when the common council will act on the matter; such time shall not be less than fifteen days after the first publication of such notice; and the description of the limit or district of assessment fixed by the local assessors shall be inserted in and form a part of such notice. At the time named in said notice (or in case the common council shall fail to meet at that time, then at the next regular meeting of said body) the common council shall hear such persons as desire to be heard relative to the proposed improvement; if said body shall deem it proper to permit such improvement to be made, they shall so declare by resolution, and shall appoint a committee of their number to negotiate for the land required for such improvement; said committee shall report back to the common council, and if the purchase of the land is agreed upon between the committee and the owners, the common council may, by resolution, direct such improvement to be made, and the sum or sums agreed upon to be paid for the land taken shall be assessed upon the property to be benefited according to the provisions of this act. The land to be taken for the improvement must be described in said report. If they cannot agree they shall so report; and the common council may give notice through the corporation counsel, of such intended improvement, by causing to be served a copy of said notice personally upon each owner of the lands required, residing in the city of Troy or elsewhere, or depositing a copy of said notice, post-paid, in the post-office in Troy, addressed to each owner of lands required, residing in the city of Troy or elsewhere, if the residence of such owners be known, and if not known, then to their last known place of residence, at least ten days before presenting the same to the court, that they will, on some day to be named in said notice, cause application to be made to the supreme court, at a special term thereof for the appointment of three persons, as commissioners to estimate the expense of the said improvement and the amount of damages to be sustained therefrom by the owners of lands and buildings to be taken for such improvement, and all other persons interested in the premises or improvement who may be affected thereby. Upon the day designated in said notice, or some other day to be named by the court, it shall hear the application and appoint the said commissioners and fix the time and place of holding the first meeting. The persons appointed shall not be interested in the improvement. The court may appoint other commissioners to act instead of the commissioners already appointed, in case any of the latter may from any cause be disabled from serving. The said commissioners shall take and subscribe an oath before some officer authorized to administer oaths, faithfully and impartially to perform the duties which shall devolve upon them by virtue of said appointment, according to the best of their ability.

Fixing of
district of
assessment

Notice of
proposed
improvement.

Hearing.

Proceedings upon
permitting
improvements to
be made.

Notice of
application for
commissioners of
estimate.

Hearing
and ap-
pointment.

Oath of
commissioners.

§ 2. Section three of said title four is hereby amended so as to read as follows :

Map of
lands to be
taken.

§ 3. A map shall be made under the direction of the city engineer, on which shall be designated by feet and inches, as near as may be, the several pieces and parts of land necessary to be taken for the improvement, and also the several pieces and parts of land within the district laid out by said local assessors as the district to be assessed for such improvement; the said several pieces of land shall be designated by the number or letter thereof, shown on the map known as Barton's city map, made in the year eighteen hundred and fifty-eight, if the same be shown on said map, and if not shown, then the same shall be designated by the number or letter shown upon any other map of said city, or part thereof, which shall at the time be on file in the office of the clerk of Rensselaer county, due reference being made to the date of filing thereof, or upon any map on file in the city engineer's office; and parts of lots shall be shown on the map made by the city engineer in such a manner as to indentify* them, and the dimensions thereof given as near as the same can be ascertained. The map made by the city engineer shall constitute a part of the report of the commissioners of estimate in relation to said improvement, and shall be deposited with said report in the office of the clerk of the county of Rensselaer, and in the office of the comptroller of the city of Troy respectively, for examination.

To consti-
tute part
of report
of commis-
sioners.

§ 3. Section four of said title four is hereby amended so as to read as follows :

Estimate
of expense
of improve-
ment.

§ 4. The said commissioners shall proceed to make an estimate of the expense of the proposed improvement, and for that purpose they shall have power to enter upon and examine the lands and premises proposed to be taken for such improvement, or that shall be affected thereby; to hear the proofs and allegations of the parties interested, at such time and place as they may appoint, to continue such hearing, by adjournment from time to time as they may deem proper, and to examine persons under oath relative to said improvement, and the value of the lands necessary therefor; and they shall fix the value of and award damages for each piece of land to be taken. The said commissioners shall make a report which shall be in a tabular form, with columns, in which shall be distinctly given the whole expense and the several items of such expense, the number on the map of the pieces of land required for the improvement, and of any parts of lots where only a part will be required, the names of persons and corporations interested in the property taken for the improvement, where said names are known to said commissioners, if not known, then to owners unknown, and the nature of their interest, and the amount awarded to the different parties, and so many and such other statements as may be necessary to set forth the true interests of the parties in the lands and premises, and their liabilities in relation thereto.

Report of
commis-
sioners.

§ 4. Section five of said title four is hereby amended so as to read as follows :

Filing of
report.

§ 5. After such report shall be completed, which shall be within forty days after the appointment of said commissioners, it shall be filed by the corporation counsel in the clerk's office of the county of Rensselaer, and also a duplicate thereof in the office of the comptroller of the city of Troy. Said corporation counsel shall then cause a notice to be published in the official newspapers of the city, twice in each

Notice of
review.

* So in the original.

week, that the report has been completed and filed, and that they, the said commissioners, will meet at a time and place therein to be stated, not less than ten days from the first publication of such notice, for the purpose of reviewing their report. At the time and place so specified, any person may offer objections in writing to said report, and may accompany the same with such affidavits as he may think proper. Said commissioners shall thereupon or within twenty days thereafter, review their report, and if they shall think proper they shall correct it, and deliver the same in duplicate to said corporation counsel, who shall file it in corrected form in the offices aforesaid; if they do not alter their report they shall sign a statement to that effect, and it shall be filed in said offices.

Objections.

Review of report.

§ 5. Section six of said title four is hereby amended so as to read as follows:

§ 6. The corporation counsel shall then cause a notice to be published in the official newspapers that said report has been completed and filed, and that application will be made on behalf of the common council to the supreme court at one of the special terms thereof, in the third judicial district, to have said report confirmed; the time specified in such notice shall not be less than ten days from the first publication of the notice. During the said space of ten days the said report shall remain open to the inspection, free of expense, of all persons interested, and any person may, within that time, appeal from said report. Such appeal shall be by notice, to be served on the comptroller of the city of Troy within the period last mentioned, and at least six days before the time at which the said report is to be presented to the court for confirmation, which notice shall be accompanied with copies of the affidavits which shall have been delivered to the commissioners (if it shall be intended to use or refer to copies thereof on such appeal); and, also, with a brief statement in writing of the grounds of objection to such report, and of the manner in which it is contended that the same ought to be altered.

Notice of application for confirmation.

Appeals from report.

§ 6. Section seven of said title four is hereby amended so as to read as follows:

§ 7. Such appeal shall be heard by the court to which the said report shall be presented for confirmation at the time the same shall be so presented. Copies of the affidavits which shall have been delivered and served as aforesaid (but no others) may be read against confirming the said report, and affidavits may be also read to sustain the same, but no cause against such confirmation shall be heard except an appeal shall have been made in the manner provided in the preceding section of this act. If no sufficient reason to the contrary shall appear to the court they shall confirm the said report, or if, in their opinion the same ought not to be confirmed, they may refuse to do so, and in the event of such a refusal they shall, in the proper case, refer it back for revision and correction to the commissioners, who shall proceed to revise and correct the same, and cause it, or a new report, to be filed in the office of the clerk of the said county and the office of the comptroller of the city of Troy. The corporation counsel shall thereupon cause a new notice of the filing of said report, and of application to the court for its confirmation, to be published in the manner required in the preceding section. The said report may be appealed from within the time and in the manner provided in the said section, and such appeal shall be proceeded upon, and the said report again disposed of, in the manner directed by this section; and so often as any such report shall be referred back for revision and correction, the like

Hearing of appeals.

Confirmation of report.

Reference back and proceedings thereupon.

Court may
direct cor-
rections
made.

proceedings shall be thereupon had as are provided in this section for a first reference back to the said commissioners. In cases, however, where the said court can do so, from the nature of the case, it shall direct specific corrections or alterations to be made in said report, and such corrections or alterations shall be made in its presence, or during the same or the next term, and the court may thereupon absolutely confirm the said report without further notice.

§ 7. Section eight of said title four is hereby amended so as to read as follows:

Award of
costs
against
appellant.

§ 8. The court to which any such report shall be presented for confirmation shall have power, in their discretion, to award costs against the appellant in cases where the appeal shall not be sustained.

§ 8. Section nine of said title four is hereby amended so as to read as follows:

Apportion-
ment and
assessment
of expense.

§ 9. Upon the confirmation of the report of the commissioners of estimate or of the committee of the common council, of the expense of the improvement, it shall, together with the map, be delivered to the local assessors of said city, whose duty it shall be to apportion and assess the expense of the improvement as determined by the report of said commissioners, or the committee of the common council, upon the lands or premises benefited or intended to be benefited by the improvement, within the district of assessment, in proportion to the benefits derived by such lands and premises respectively thereby. The said assessors shall make their apportionment and assessment in a report or list in tabular form, with columns, giving the number, according to the map or maps thereof, of the pieces of land assessed for benefit, or where there are no maps, according to the map made by order of the common council or by the city engineer, for the purposes of the improvement, the names of the owners or occupants thereof respectively, where said names are known to said board of assessors; if not known, then to owners unknown; the amount assessed on each piece of land; the assessment to be paid by the owners of the pieces of land assessed, respectively, and by other persons interested therein, the balance of assessment to be paid by any such owner, owners or persons, over any awards made to them respectively and such other statements as they may deem necessary to make. The

Notice of
hearing
persons
aggrieved.

said assessors shall serve notice by mail, directed to the persons who shall be assessed at their last known place of residence, and if not known, then by posting the said notice in three public places in said city, of the time and place when they will give a hearing to the persons assessed, and who may feel themselves aggrieved, for the purpose of hearing their objections, suggestions and arguments for and against said apportionment, which notice shall be mailed or posted at least ten days before the time of hearing. Upon or after said hearing it shall be the duty of said assessors to equalize, correct and alter said apportionment when improperly or erroneously applied, by increasing or diminishing the respective amounts as to them shall seem just and proper; which equalization, correction or alteration, when so made by said assessors, increasing or diminishing the amount chargeable to any person named in said list of apportionment, shall be final and conclusive in the premises. Said assessors shall then confirm said assessment and shall file the same with the comptroller. If, in the judgment of the said assessors the lands within the district of assessment are not benefited to the amount of the expense of the proposed improvement they shall declare that fact, and shall so certify to the common council, and thereupon the common council shall order

Equaliza-
tion and
correction
of appor-
tionment.

Confir-
mation of
assess-
ment.
Provision
in case
benefit
less than
expenses.

the proceedings to be discontinued and all proceedings had in relation thereto shall be null and void. The person or persons who shall sign the petition for any such improvement shall be chargeable with and are hereby declared liable to pay to the city of Troy, all expenses which may have been incurred by the city, if the application shall be refused by the common council.

Liability of petitioners in case application denied.

§ 9. Section ten of said title four is hereby amended so as to read as follows:

§ 10. Upon the confirmation of said assessment, and not until then, the rights of the owners or other parties interested in the lands taken to the awards made to them, respectively, shall become fixed; and upon payment of the awards being fully made, the fee of the land shall be vested in the city of Troy, and the common council shall be thereupon authorized to cause such improvement to be made. In case any such assessment-list or report of the board of assessors shall be afterwards set aside or declared void for irregularity or other cause, which shall not affect the validity of the awards made for the improvement, it shall be the duty of the board of assessors to make out a new assessment-list or report, in the manner herein provided, which further assessment shall be subject in all respects to the provisions relative to the original assessment. It shall be sufficient, in making the awards and assessments for damages or benefits under this act, or any special or other act relating to laying out, opening, widening or extending any street, alley, avenue or road in said city, for the commissioners appointed or to be appointed to make the same, and for the board of assessors to state in their reports, respectively, the name or names of the parties interested in each piece or parcel of land assessed for benefit, as said names may appear on the last tax-roll of the city of Troy, and all assessments for benefits so made shall be a lien upon the lands so assessed, notwithstanding any error in the name of the parties interested, whether owner, occupant or lienor, the same as if such name was correct. If any searches as to title shall become necessary, they shall be made by the county clerk of Rensselaer county, and the statutory fees in such cases shall be allowed as a part of the expenses of the improvement.

Rights to awards.

Fee vested in city.

New assessment-list, when to be made.

Proviso as to manner of making reports.

Searches as to title.

§ 10. Section eleven of said title four is hereby amended so as to read as follows:

§ 11. The commissioners of estimate, appointed as aforesaid, shall be allowed three dollars each, for each and every day actually and necessarily employed about their duties, but not exceeding for their commissions collectively the sum of one hundred dollars; such compensation and the expenses of said map, and the disbursements of the corporation counsel who shall conduct such proceeding upon behalf of said city, with the disbursements paid to the clerk of the county of Rensselaer as fees fixed by law, and any allowances of costs made by the court shall be estimated as a part of the expense, including advertising and postage and no other expenses besides the amounts awarded for damages, than those herein specified, shall be included in any assessment.

Compensation of commissioners.

To be included with other expenses in assessment.

§ 11. Section twelve of said title four is hereby amended so as to read as follows:

§ 12. In the case of opening, widening, altering or extending any street, alley, road or avenue, under the provisions of this act, guardians for infants or incompetent persons, in the nature of guardians ad litem, to protect the interests or prosecute appeals, may be appointed by the judge of the county court of Rensselaer county, or a justice of

Guardians for infants, etc.

Their
compen-
sation.

the supreme court of this state; such guardians will be entitled to receive five dollars for their services and attendance before the commissioners, unless upon appeal a further sum shall be allowed, in which case the judge who shall hear the appeal shall fix the amount, if any, allowed.

§ 12. Section thirteen of said title four is hereby amended so as to read as follows :

Allowance
of costs to
corpora-
tion coun-
sel.

§ 13. No costs or fees shall be allowed to the corporation counsel in any such proceedings, except in cases of appeal and confirmation, and then a sum not exceeding fifty dollars may be allowed said counsel by the court, in full for such services ; such allowance shall be paid to the chamberlain for the benefit of said city.

§ 13. Section fourteen of said title four is hereby amended so as to read as follows :

Payment
of awards.

§ 14. The chamberlain shall pay to the persons, or to the attorney or legal representatives of such persons, to whom damages may have been awarded in such report, the amount of such damages, without any deduction therefrom by way of fees or commissions. But no such damage shall be paid to any person until he has paid the assessment, if any, against his property made by the local assessors for the expense of the improvement.

§ 14. Section fifteen of said title four is hereby amended so as to read as follows :

Asses-
ments
liens upon
lands.

§ 15. All assessments made as aforesaid shall continue and be a lien upon the property assessed from the time of the confirmation of the assessment until paid, which lien shall have priority over all other liens or incumbrances. All such assessments shall be due and collectible from the time of the confirmation of said assessment ; if paid within thirty days from that time, no interest shall be charged thereon ; but if not paid at the expiration of thirty days, interest shall be added to said assessment at the rate of one per centum per month, for each and every month that the same remains unpaid, up to the time of extending the city taxes ; any such assessments, and the interest thereon, remaining unpaid at that time shall be included by the comptroller in the city taxes, and shall be collected and enforced in the same manner as are the city taxes. If the estimate of expenses shall exceed the amount of expenses actually incurred in making the improvement, the excess shall be refunded to the persons assessed in proportion to their respective assessments.

Payment
thereof.

Unpaid
asses-
ments,
how col-
lected.
Excess to
be re-
funded.

§ 15. Section twenty-four of said title four is hereby amended so as to read as follows :

Sewers,
acquisi-
tion of
lands and
rights of
way for.

Cost and
expense.

Proceed-
ing by con-
demnation.

§ 24. The said city is authorized to acquire and hold by gift, grant, purchase or through condemnation proceedings either the title to land or the right of passage through private lands for the purpose of hereafter constructing, maintaining, repairing and cleaning public sewers through such lands, if such shall be advisable or necessary ; the cost and expenses, if any, of acquiring such title or right of passage shall be assessed and be a lien upon the property benefited thereby, and shall be apportioned, levied and assessed as is provided in this act with reference to the cost and expenses of other public improvements in said city. In case it becomes necessary to acquire such title or right of passage through condemnation proceedings the same may be instituted by the common council of said city, and such proceedings shall be conducted in all respects as provided in this act with reference to proceedings for opening public streets in said city. All proceedings under this act shall be in the name of the city of Troy, and shall be

conducted by the corporation counsel on behalf of said city; and any title acquired thereby shall be vested in the city of Troy.

§ 16. Section ten of title six of said chapter one hundred and twenty-nine is hereby amended so as to read as follows:

§ 10. No civil action shall be maintained by any person against the city of Troy for injuries to person or property, unless it appears that the claim for which such action was brought, with a full statement of the facts out of which the cause of action arose, duly verified by the claimant, and stating, among other things, the time when, and the place where and the circumstances under which the injuries were sustained was presented to and left with the comptroller, within six months after the happening of the accident or injury out of which such cause of action arose, and that said claim was not audited or paid within sixty days after it was so presented to and left with the comptroller. But this section shall not be so construed as to repeal, limit or qualify any existing law or any statute of limitations applicable to this class of actions, but shall be considered as supplementary thereto and an additional requirement to the right to maintain such an action.

Civil actions against city for injuries.

Proviso.

§ 17. This act shall take effect immediately; but any action pending or right of action accrued at the time of the passage hereof shall be subject to the law applicable thereto, in force before this act was passed.

Actions pending, etc., not affected.

CHAP. 201.

AN ACT to amend chapter one hundred eighty-one of the laws of eighteen hundred seventy-five, entitled "An act to authorize the villages of the state of New York to furnish pure and wholesome water to the inhabitants thereof," and the acts amendatory thereof, relating to boards of water commissioners.

BECAME A LAW without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 16, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section nine of chapter one hundred and eighty-one of the laws of eighteen hundred and seventy-five, as amended by chapter four hundred and fifty-five of the laws of eighteen hundred and eighty-nine, is hereby amended so as to read as follows:

Water commissioners.

§ 9. No bonds, certificates or other obligations of indebtedness shall be issued, nor shall any official act be done by any board of commissioners authorized by this act, until such commissioners shall have filed with the clerk of the county within which such village or some portion thereof shall be situated, their joint and several bond in the sum of thirty thousand dollars if the system of water-works to be erected or in operation will or has cost more than thirty thousand dollars, or in the sum of ten thousand dollars, if the system of water-works will or has cost less than thirty thousand dollars, with sureties qualifying in double the amount, to be justified before a notary public and approved by the county judge of said county or a justice of the supreme court, and conditioned for the faithful performance of the

Joint official bond of.

Separate bonds in lieu thereof.

Approval, when separate body from trustees.

Commissioners to hold over until bonds given.

duties of such commissioners; or in lieu of the aforesaid joint and several bond each of said commissioners may give a separate bond with sureties or with any number of the other water commissioners a joint and several bond with sureties in the amount of at least eight thousand dollars each if the system of water-works has or will cost more than thirty thousand dollars, or if the system cost less than thirty thousand dollars of at least three thousand dollars each, conditioned for the faithful performance of his or their duties as such commissioner or commissioners and filed, justified and approved as above provided. But in case such commissioners shall have been elected or appointed as a separate body from the board of trustees, said bond or bonds above required may be approved by the trustees of the village, instead of the county judge or a justice of the supreme court, providing no member of the board of trustees shall then be holding the office of water commissioner. And when the term of office of any such commissioner shall expire, he shall hold his office as such commissioner, until new bonds or bond shall have been given by the board of which his successor is to be a member or by his successor in office, which bonds shall be in similar form, for like amounts, justified, approved and filed in a similar manner.

§ 2. This act shall take effect immediately.

CHAP. 202.

AN ACT for the release of the interest of the state in lands in the town of North Elba, Essex county, to Benton Turner.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 16, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Interest of state in lands released.

SECTION 1. All right, title and interest, claim and demand of the state of New York, in and to lot number forty-one, township number twelve, Richard's survey, old military tract, in the town of North Elba, Essex county, state of New York, is hereby released to Benton Turner, upon the payment by him to the comptroller of the state of New York, of the amount secured by a certain bond executed by Richard Lachaman to the state, dated June fifteenth, eighteen hundred and thirty-six, and the interest on such sum to the time of such payment, and in addition thereto, the amount of taxes charged against said lot in the office of the comptroller, September sixth, eighteen hundred and fifty-nine, and interest thereon to the time of such payment, and other taxes, if any, due the state on account of such lot.

Taxes.

§ 2. This act shall take effect immediately.

CHAP. 203.

AN ACT to amend chapter one hundred and nine of the laws of eighteen hundred and sixty-two, entitled "An act to incorporate the firemen of the city of Schenectady, and for other purposes."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 16, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of chapter one hundred and nine of the laws of eighteen hundred and sixty-two, entitled "An act to incorporate the firemen of the city of Schenectady, and for other purposes," is hereby amended so as to read as follows:

§ 1. All persons who now belong, or who shall hereafter belong, to any of the fire companies, hose and hook and ladder companies, for the extinguishment of fire in the city of Schenectady, are hereby constituted a body politic and corporate by the name of the "fire department of the city of Schenectady," and by that name they and their successors for the term of sixty years; and they and their successors may have a common seal, and may change and alter the same at their pleasure; and also they and their successors by the name of the "fire department of the city of Schenectady" shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation; but the amount of the real and personal estate of the said corporation shall not at any time exceed in value the sum of ten thousand dollars.

Corpora-
tors.

Corporate
name and
powers.

Property,
limited.

§ 2. This act shall take effect immediately.

CHAP. 204.

AN ACT to amend section six hundred and sixty-one of chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled "An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York," as amended by chapter eighty-four and* and chapter two hundred and eighty-eight, of the laws of eighteen hundred and eighty-seven, in relation to tenement and lodging-houses and the erection thereof.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 16, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section six hundred and sixty-one of chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled "An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York," as

Consolida-
tion act
amended.

*So in the original.

amended by chapter eighty-four and two hundred and eighty-eight of the laws of eighteen hundred and eighty-seven, is hereby further amended so as to read as follows:

Spaces
between
tenement-
houses and
adjoining
buildings.

§ 661. It shall not be lawful to erect for, or convert to the purposes of a tenement or lodging-house, a building on any lot where there is another building on the same lot, or to build or to erect any building on any lot whereon there is already a tenement or lodging-house, unless there is a clear open space exclusively belonging thereto, and extending upward from the ground of at least ten feet between said buildings if they are one story high above the level of the ground; if they are two stories high, the distance between them shall not be less than fifteen; if they are three stories high, the distance between them shall not be less than twenty feet, and if they are more than three stories high, the distance between them shall not be less than twenty-five feet; but when thorough ventilation of such open spaces can be otherwise secured, such distances may be lessened or modified in special cases by a permit from the board of health. At the rear of every building hereafter erected for or converted to the purposes of a tenement or lodging-house on any lot, there shall be and remain a clear open space of not less than ten feet between it and the rear end of the lot, but this provision may be modified as to corner lots and may be changed or modified as to lodging-houses in special cases by a permit from the board of health. No one continuous building shall be built for or converted to the purposes of a tenement or lodging-house in the city of New York, upon an ordinary city lot, and no existing tenement or lodging-house shall be enlarged or altered, or its lot be diminished so that it shall occupy more than sixty-five per centum of the said lot, and in the same proportion if the lot be greater or less in size than twenty-five by one hundred feet; but this provision shall not apply to corner lots and may be modified or changed in special cases as to lodging-houses by a permit from the board of health. No building or premises while occupied for a tenement-house shall be used for a lodging-house, private school, stable or for the storage and handling of rags. In case of any violation of the provisions of this section, or of any failure to comply with, or any violation of the terms and condition of the plan for such tenement or lodging-house, approved by said board of health or the condition of the permit granted by the board of health for such house, or for the air, light and ventilation of the same, any court of record, or any judge or justice thereof shall have power, at any time after service of notice of violation, or of non-compliance, upon the owner, builder or other person superintending the building or converting of any such house, upon proof by affidavit of any violation or non-compliance as aforesaid, or that a plan for light and ventilation of such house has not been approved by the board of health, to restrain by injunction order, in an action by the health department, the further progress of any violation as aforesaid. No undertaking shall be required as a condition of granting an injunction or by reason thereof.

Space in
rear of
building.

Dimen-
sions of
lots.

Restric-
tion as to
use of
buildings.

Injunc-
tions re-
straining
violations
hereof.

§ 2. This act shall take effect immediately.

CHAP. 205.

AN ACT to authorize the continuance and the completion of the work and making an appropriation therefor, authorized to be done by chapter four hundred and thirty-six of the laws of eighteen hundred and eighty-nine, entitled "An act to authorize the repairing of the damage to a public highway leading from the village of Castorland to the bridge over the Black river, in the town of Denmark in the county of Lewis, caused by the overflow of said river by reason of the state dam thereon, and to so alter said highway as to prevent future damage from said cause, and making an appropriation therefor."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 16, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The sum of fifteen hundred dollars, or so much thereof as may be necessary, is hereby appropriated and to be paid by the state treasurer out of any money not otherwise appropriated, for the purpose of the continuance and the completion of the work authorized to be done by chapter four hundred and thirty-six of the laws of eighteen hundred and eighty-nine, entitled "An act to authorize the repairing of the damage to a public highway leading from the village of Castorland to the bridge over the Black river, in the town of Denmark, in the county of Lewis, caused by the overflow of said river, by reason of the state dam thereon, and to so alter said highway as to prevent future damage from said cause, and making an appropriation therefor."

Appropriation for completion of work.

§ 2. The said work is hereby authorized to be done under the direction of the superintendent of public works, and the money hereby appropriated shall be paid on the warrant of the comptroller to the order of the said superintendent of public works.

Work, how done, etc.

§ 3. This act shall take effect immediately.

CHAP. 206.

AN ACT making an appropriation for continuing work upon the capitol, and appointing commissioners to supervise the plans thereof and the work thereon.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 17, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The sum of six hundred and forty-two thousand nine hundred and fifty-nine dollars and fifty cents or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury belonging to the general fund not otherwise appropriated,

Appropriation.

payable by the treasurer on the warrant of the comptroller upon the order of the commissioner of the new capitol, with the approval of the supervising commissioners hereinafter appointed, for continuing work upon the capitol during the present year, to be apportioned as follows:

For completing rooms, etc.

For completing the unfinished rooms and corridors throughout the western section of the building, one hundred and one thousand six hundred and fifteen dollars.

Electric lighting.

For completing the electric lighting of the building, fifteen thousand dollars.

Steam-heating.

For completing the steam heating of the building, twenty-six thousand five hundred dollars.

Plumbing.

For completing the plumbing of the building, five thousand five hundred dollars.

Western staircase.

For continuing work on the western staircase, in carrying the same to the fourth floor, one hundred and forty thousand dollars.

Eastern approach.

For laying the foundation of the eastern approach to the building and for extending the approach to the first story of the building, two hundred and seventy-five thousand dollars.

Sanitary improvements.

For necessary expenditures in the corridors and apartments connected therewith and completing the sanitary improvements of the building, thirty-five thousand dollars; and

Clerk and incidental expenses.

For compensation of a clerk, hereby authorized to be appointed by the supervising commissioners hereinafter named, and for other necessary incidental expenses, three thousand dollars.

Furnishing rooms.

For furnishing twelve rooms in the west end of the building, forty-one thousand three hundred and forty-four dollars and fifty cents.

Conditions of expenditure.

§ 2. No part of the sum herein appropriated shall be expended until the commissioner of the new capitol shall submit, to the supervising commissioners hereinafter named, detailed plans and specifications for all the work above enumerated, and an estimate of the cost of the material and work required to complete the same, together with his certificate that all the work can be done and all the materials therefor purchased within the limits of this appropriation; nor until a majority of the said supervising commissioners shall have approved, in writing indorsed thereon signed by them, the plans and specifications so prepared and finally adopted, which plans and specifications so approved, including the said certificate of the commissioner of the new capitol, shall be filed and preserved in the office of the comptroller.

Supervising commissioners and their duties.

§ 3. The lieutenant-governor, the state engineer and surveyor and the commissioner of the new capitol are hereby appointed supervising commissioners of the capitol, whose duty it shall be to examine the plans and specifications submitted to them by the commissioner of the new capitol, which plans so submitted by said commissioner shall be in accord with the plans recommended by the supervising commissioners of the capitol appointed under chapter five hundred and seventy-eight of the laws of eighteen hundred and eighty-eight as contained in their report printed as senate document number fifty-five of eighteen hundred and eighty-nine, to suggest alterations of the same, if they so desire to approve the same when completed to their satisfaction and to endorse thereon such approval; and it shall be their further duty to see that the materials furnished and the work done shall be in accordance with the plans and specifications so approved. A majority of said supervising commissioners shall constitute a quorum, and the assent of a majority of said supervising commissioners shall be required to validate any transaction of business on their part.

Business quorum.

Chairman.

§ 4. The lieutenant-governor shall be the chairman of such board

of supervising commissioners. If at any time before the completion of the work herein authorized, the lieutenant-governor shall cease to act as such, the president pro tempore of the senate shall thereupon, by virtue of his office, become a member, and shall be the chairman of such board of supervising commissioners. Within ten days after the passage of this act, and on a day and hour to be designated in writing by the chairman of said supervising commissioners, they shall meet at the rooms of the lieutenant-governor, in the capitol, and shall elect one of their number to be the secretary of the board. The secretary shall keep a true record of all their proceedings in a book to be provided by him for that purpose, which shall be filed and preserved in the office of the comptroller, upon the completion of their work.

Organiza-
tion of
board.

Secretary.

§ 5. All payments for work done, or materials furnished under the provisions of this act shall be made upon the order of the commissioner of the new capitol, approved by a majority of the board of supervising commissioners. The said supervising commissioners shall serve without compensation, but their disbursements for necessary expenses while in the discharge of the duties herein imposed upon them shall be allowed and paid to them out of the appropriation herein made and apportioned for that purpose.

Payments
for work,
etc.

Expenses
of commis-
sioners.

§ 6. This act shall take effect immediately.

CHAP. 207.

AN ACT to authorize the village of Fishkill Landing to assess, levy and collect the sum of four thousand five hundred dollars and interest, to pay the existing debt of said village contracted for improvements made to roads, streets and avenues in said village, in lighting said streets, and for rental of hydrants.

APPROVED by the Governor April 17, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The trustees of the village of Fishkill Landing are hereby authorized and empowered to assess, levy and collect in the same manner as other taxes are authorized to be levied and collected in the said village and in addition to the sum now authorized by law to be so levied and collected, the additional sum of two thousand two hundred and fifty dollars in each of the years eighteen hundred and ninety-one and eighteen hundred and ninety-two for the payment of the sum of four thousand five hundred dollars, the existing debt of said village, and in addition thereto such sum in each of said years as may be necessary to pay the interest on said debt.

Tax for
existing
debt.

§ 2. All sums of money authorized to be assessed, levied and collected under the provisions of this act shall be kept separate and apart from the other funds of said village and used solely for the purpose of paying the principal, and the interest due and to grow due, of the indebtedness of said village incurred in making repairs to the roads, streets and avenues leading through, from and to said village, in lighting the streets of said village, and in the rental of hydrants for the fire department.

Separate
fund.

How ap-
plied.

§ 3. This act shall take effect immediately.

CHAP. 208.

AN ACT to amend section nine hundred and seventy of the Code of Civil Procedure, relating to order for trial by jury.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 20, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section nine hundred and seventy of the Code of Civil Procedure is hereby amended so as to read as follows:

Order for trial by jury, of specific questions of fact, etc., when of right.

§ 970. Where a party is entitled by the constitution or by express provision of law, to a trial by a jury, of one or more issues of fact, in an action not specified in section nine hundred and sixty-eight of this act, or where one or more questions arise on the pleadings as to the value of property, or as to the damages which a party may be entitled to recover, either party may apply, upon notice, at any time to the court for an order directing all such issues or questions to be distinctly and plainly stated, for trial accordingly. Upon the hearing of the application the court must cause such issues or questions to be distinctly and plainly stated. The subsequent proceedings are the same as where questions arising upon the issues are stated for trial by a jury in a case where neither party can, as of right, require such a trial; except that the finding of the jury, upon each issue or question so stated, is conclusive in the action, unless the verdict is set aside or a new trial is granted.

Subsequent proceedings.

When to take effect.

§ 2. This act shall take effect September first, eighteen hundred and ninety-one.

CHAP. 209.

AN ACT to amend section sixty-five of part second, chapter one, title two, article second of the Revised Statutes, being in relation to uses and trusts.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 20, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section sixty-five of part second, chapter one, title two, article second of the Revised Statutes, relating to uses and trusts, is hereby amended so as to read as follows:

Certain sales, etc., by trustees void.

Court may authorize mortgaging or sale of real estate.

§ 65. Where the trust is or shall be expressed in the instrument creating the estate, every sale, conveyance, or other act of the trustees, in contravention of the trust, shall be absolutely void; provided, however, that the supreme court shall have power upon such terms and conditions as to the court shall seem just and proper, in any case to authorize any such trustee to mortgage or sell any such real estate whenever it shall appear to the satisfaction of said court, or a judge thereof, that it is for the best interest of said estate so to do, and that

it is necessary, and for the benefit of the estate, to raise by mortgage thereon, or by a sale thereof, funds for the purpose of preserving or improving such estate, or whenever the interest of the trust estate in any real property is an undivided part or share thereof, and it shall satisfactorily appear to the court or a judge thereof that on that account it is for the best interest of the trust estate to authorize the trustee to sell such undivided part or share. No order directing such trustee to mortgage or sell said lands shall be granted, unless it shall appear to the satisfaction of such court or judge that a notice in writing, stating the time and place of making the application therefor, has been served upon the beneficiary or beneficiaries of said trust, at least eight days before making such application, if said beneficiary or beneficiaries are within this state and adults. In case said beneficiary or beneficiaries are infants, lunatics, persons of unsound mind, habitual drunkards or absentees, said court or judge shall not direct the trustee to mortgage or sell said lands until such beneficiary or beneficiaries are brought into court by such notice as said court or judge may prescribe.

Order not
to be
granted
unless, etc.

§ 2. This act shall take effect immediately.

CHAP. 210.

AN ACT to amend article five, title one, chapter fourteen of the Code of Civil Procedure, relating to an "action to compel the determination of a claim to real property."

APPROVED by the Governor April 20, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section sixteen hundred and thirty-eight of the Code of Civil Procedure is hereby amended so as to read as follows:

§ 1638. Where a person has been, or he and those whose estate he has, have been for one year in possession of real property, or of any undivided interest therein, claiming it in fee, or for life, or for a term of years not less than ten, he may maintain an action against any other person to compel the determination of any claim adverse to that of the plaintiff which the defendant makes to any estate in that property in fee, or for life, or for a term of years not less than ten, in possession, reversion or remainder, or to any interest in that property, including any claim in the nature of an easement therein, whether appurtenant to any other estate or lands or not, and also including any lien or incumbrance upon said property, of the amount or value of not less than two hundred and fifty dollars. But this section does not apply to a claim for dower.

Who may
maintain
action.

§ 2. Section sixteen hundred and thirty-nine is hereby amended so as to read as follows:

§ 1639. The complaint in such an action must set forth facts showing:

Complaint,
what to set
forth.

1. The plaintiff's right to the real property; whether his estate therein is in fee, or for life, or for a term of years not less than ten; and whether he holds it as heir, devisee or purchaser, with the source from or means by which his title immediately accrued to him.

2. That the property, at the commencement of the action was, and, for the one year next preceding, has been in his possession, or in the possession of himself and those from whom he derives his title, either as sole tenant, or as joint tenant, or tenant in common with others.

3. That the defendant unjustly claims an estate or interest or easement therein, or a lien or incumbrance thereupon of the character specified in the last section.

The complaint must describe the property as prescribed in section fifteen hundred and eleven of this act. The demand for judgment may be to the effect that the defendant and every person claiming under him be barred from all claim to an estate in the property described in the complaint, or from all claim to an interest or easement therein, or a lien or incumbrance thereupon, of the character specified in the last section, or it may combine two or more of said demands with other demands for appropriate relief.

§ 3. Section sixteen hundred and forty-one is hereby amended so as to read as follows:

Answer
pleading
estate or
interest in
or lien up-
on prop-
erty.

§ 1641. The defendant may, in his answer, either with or without the defense specified in the last section, set forth facts, showing that he has an estate in the property or any part thereof, adverse to the plaintiff, in fee, or for life, or for a term of years not less than ten, in possession, reversion, or remainder, as in a complaint for the same cause of action; or the defendant may set forth facts showing that he has an interest or an easement in, or a lien or incumbrance upon, said property; and thereupon he may demand that the complaint be dismissed, or any judgment to which he would be entitled in an action brought by him to recover that estate in said property, or to enforce in any manner the interest or easement therein, or the lien or incumbrance thereupon which he asserts; or he may combine any two or more of said demands.

§ 4. Section sixteen hundred and forty-two is hereby amended so as to read as follows:

Subse-
quent pro-
ceedings
thereupon.

§ 1642. Where an issue of fact is joined in an action brought as prescribed in this article, unless the defendant merely demands that the complaint be dismissed, if the defendant claims an estate in said property, the subsequent proceedings, including the trial, judgment and execution, are the same as if it was an action of ejectment, except as otherwise expressly prescribed in this title; if the defendant claims an interest or easement in, or a lien or incumbrance upon, said property, the subsequent proceedings are the same as if it was an action brought by the defendant to establish or enforce the said interest, easement, lien or incumbrance, and the court may award any appropriate relief except as otherwise expressly prescribed in this title.

§ 5. Section sixteen hundred and forty-five is hereby amended so as to read as follows:

Judgment
for plain-
tiff.

§ 1645. Final judgment for the plaintiff must be to the effect that the defendant, and every person claiming under him, by title accruing after the filing of the judgment-roll, or of the notice of the pendency of the action, as prescribed in article ninth of this title, be forever barred from all claim to any estate of inheritance, or for life, or for a term of years not less than ten, in the property; or such judgment must be that the defendant and every person claiming under him, as above stated, be forever barred from all claim to any interest or easement in, or lien or incumbrance upon, the said property, of any kind or nature whatsoever, or of any particular interest, easement, lien or incumbrance specified in said judgment; and the court may direct any

instrument purporting to create any such interest, easement, lien or incumbrance to be delivered up or to be canceled of record ; or two or more of said forms of judgment may be awarded in the same action. If such a judgment is taken upon the defendant's default in appearing or pleading, it shall not award costs to either party, unless it be taken upon a default in answering, after the decision of a demurrer to the complaint.

§ 6. Section sixteen hundred and forty-six is hereby amended so as to read as follows:

§ 1646. A final judgment in favor of either party, in an action brought as prescribed in this article, is conclusive against the other party, as to the title established in the action ; and also against every person claiming from, through, or under that party, by title accruing after the filing of the judgment-roll, or of the notice of the pendency of the action, as prescribed in article ninth of this title. A new trial of said action after judgment shall not be granted as a matter of right, but the court may, in its discretion in the interest of justice, grant a new trial upon an application made by any party within one year after said judgment. But where a defendant is an infant, an idiot, a lunatic, an habitual drunkard, or imprisoned on a criminal charge or in execution upon conviction of a criminal offense for a term less than life, the said defendant shall have the right, within one year after his disability is terminated, to apply for and obtain a new trial of said action, and the representatives of such a defendant shall have the same right within one year after the death of said defendant, if such death occurs while the disability continues. Upon any new trial of an action, brought as prescribed in this article, the record of the evidence given upon the previous trial, may be again offered to the court by either party, and may be received in evidence, in case the same evidence can not be again procured. The courts may make such rules and orders as to preserving the record of the evidence given in such actions and perpetuating the proofs produced therein, either with or without the awarding of any other relief to the party whose proofs are so perpetuated, as shall be necessary or proper, and may embrace such directions in the judgment.

Effect of judgment.

New trial.

Record of evidence upon previous trial.

§ 7. Section sixteen hundred and forty-seven is hereby amended so as to read as follows:

§ 1647. A person claiming, as owner, an estate in fee, for life, or for years, in real property, may maintain an action against a woman, who claims to have a right of dower in the whole or a part of the property, to compel the determination of her claim. But such an action can not be commenced until after the expiration of four months after the death of defendant's husband. If the defendant is under any of the disabilities specified in the last section, the provisions of that section relating to new trials and to perpetuating proofs, shall apply to her case.

Action to determine widow's dower.

§ 8. Section sixteen hundred and fifty is hereby amended so as to read as follows:

§ 1650. An action may be maintained, as prescribed in this article, by or against a corporation, or by or against an unincorporated association, as if it was a natural person, or such an action may be maintained by or against the receiver or other successor of any such corporation or association.

Article applies to corporations and unincorporated associations.

§ 9. This act shall take effect on the first day of September, eighteen hundred and ninety-one.

When to take effect.

CHAP. 211.

AN ACT empowering the comptroller to appoint commissioners in certain tax matters, and defining their powers and duties.

APPROVED by the Governor April 20, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appoint-
ment of
commis-
sioner

Their
powers
and duties.

SECTION 1. In any application to the comptroller of this state for the cancellation of any tax or tax sale, or redemption from a tax sale, the said comptroller is hereby authorized and empowered, in his discretion, to appoint, by order under his hand and seal of office, some suitable and proper person a commissioner who shall hear the evidence and take proof of all pertinent and material facts involved, necessary for the proper determination thereof; but the hearing shall be had and the proof taken at some convenient place in the county, where the land charged with the tax is situated, and on at least ten days' notice by mail or personally to the parties interested. The said commissioner shall report to the comptroller all the evidence offered and the testimony and proofs taken by him, together with his opinion thereon, for the consideration of the comptroller in such application.

§ 2. Said commissioner shall have all the rights, and powers of referees appointed in a court of record.

Compensa-
tion.

§ 3. The compensation of such commissioner shall not exceed six dollars per day for each day actually engaged and his necessary expenses, to be taxed by the comptroller, and paid upon his warrant out of any funds applicable to that purpose.

§ 4. This act shall take effect immediately.

CHAP. 212.

AN ACT to amend section four of chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety, entitled "An act in relation to highways, constituting chapter nineteen of the general laws."

APPROVED by the Governor April 20, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Highway
law amend-
ed.

SECTION 1. Section four of chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety, entitled "An act in relation to highways constituting chapter nineteen of the general laws" is hereby amended by adding an additional subdivision to be known as subdivision eight to read as follows:

Powers of
highway
com-
mission-
ers as to
encroach-
ment of
streams,
etc.

8. Have power to enter upon the lands of any person adjoining any of the rivers, streams or creeks of the state, drive spiles, throw up embankments, and perform such other labor as may be necessary upon the banks of such rivers, streams or creeks for the purpose of keeping them or any of them within their proper channels and preventing their encroachment upon any of the highways of the state, and to protect such highways and the property of the town from damages by reason

of such rivers, streams or creeks washing away their embankments, or changing the location of the channels, and to agree with the owner of any such lands upon the amount of damages, if any, sustained by him in consequence of such entry upon his lands and the performance of the work herein authorized, and the amount of the damages so agreed upon shall be a town charge, and shall be audited and paid in the same manner as other town charges. If the commissioners are unable to agree with such owner upon the amount of damage thus sustained, the amount thereof shall be ascertained and determined and paid in the same manner as damages for the laying out and opening of highways are required by law to be ascertained, determined and paid, where the commissioners and land owner are unable to agree upon the amount thereof.

§ 2. This act shall take effect immediately.

CHAP. 213.

AN ACT to provide for the formation of corporations for improving the breeds of domestic animals.

APPROVED by the Governor April 20, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Five or more persons of full age, citizens of the United States and a majority of them residents of this state, may become a corporation for the purposes of investigating, ascertaining and keeping a record of the pedigrees of any kind of domestic animals, and of instituting, maintaining, controlling and publishing a stud book, herd book or book of registry of such kind of domestic animals, in the United States of America and Canada, and of promoting and holding exhibitions of such animals, and generally for the purposes of improving the breed thereof; by making, acknowledging and filing a written certificate, stating the name by which the corporation shall be known, its particular objects and purposes, which shall be one or more of the purposes hereinbefore specified, the number of directors not less* three nor more than twenty-one who shall manage its affairs, the time when the first annual meeting of the members of the corporation shall be held, the names and places of residence of the directors who shall manage its affairs until such first annual meeting and the town, village or city in which its principal office is or is to be located. Upon filing such certificate in the office of the secretary of state and a certified copy thereof, with the certificates of record thereof, in the office of the clerk of the county in which such principal office is or is to be located, the persons signing such certificates, their associates and successors shall become a corporation for the purposes in such certificates specified.

§ 2. Such corporation may, by its by-laws not inconsistent with law, define the terms and qualifications upon which entries shall be made in such book of registry, stud book or herd book, and of controlling, passing upon and admitting or rejecting all applications for the making of entries therein, for the admission, suspension and expulsion of members, for the number and election of its officers and the defining of their duties, the time and place for the election thereof, and the

* So in the original.

manner in which any vacancy in any office of the corporation shall be filled, and generally for carrying out its corporate purposes. Such corporation may from time to time, alter, modify or change such by-laws, but not so as to be inconsistent with law.

§ 3. This act shall take effect immediately.

CHAP. 214.

AN ACT to amend chapter three hundred and fourteen of the laws of eighteen hundred and eighty-five, entitled "An act for the protection of life and limb."

APPROVED by the Governor April 20, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter three hundred and fourteen of the laws of eighteen hundred and eighty-five, entitled "An act for the protection of life and limb," is hereby amended to read as follows:

Penalty
for fur-
nishing
improper
scaffold-
ing, etc.,
for use of
employees.

Scaffold-
ing, etc.,
when
deemed
unsuitable.

§ 1. A person or corporation employing or directing another to do or perform any labor in the erection, repairing, altering or painting any house, building or structure within this state, who shall, knowingly or negligently furnish or erect or cause to be furnished for erection for and in the performance of said labor, such unsuitable or improper scaffolding, hoists, stays, ladders or other mechanical contrivances as will not give proper protection to the life and limb of any person so employed or engaged, shall be deemed guilty of a misdemeanor and on conviction shall be punished by a fine not exceeding five hundred dollars or by imprisonment in a county jail for not less than thirty days or more than six months or by both such fine and imprisonment in the discretion of the court. If any such scaffolding or staging swung or suspended from an overhead support or supports shall be more than twenty feet from the ground or floor, the same shall be deemed unsuitable and improper and as not giving proper protection to the life and limb of any person employed or engaged thereon, unless such scaffolding or staging shall, when the same is in use, have a safety-rail rising at least thirty-four inches above the floor or main portion of such scaffolding or staging and extending along the outside thereof and across each end thereof the entire length of the ends and outside thereof, and properly attached thereto, and unless such scaffolding or staging shall be provided with braces so as to sustain the weight of a man's body leaning against it, and prevent the scaffold or staging from swaying from the building or structure.

§ 2. This act shall take effect immediately.

CHAP. 215.

AN ACT to amend sections one and twenty-three of chapter four hundred and eighty-three, of the laws of eighteen hundred and eighty-five, as amended by chapter seven hundred and thirteen of the laws of eighteen hundred and eighty-seven, entitled "An act to tax gifts, legacies and collateral inheritances in certain cases."

APPROVED by the Governor April 20, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter four hundred and eighty-three of the laws of eighteen hundred and eighty-five, as amended by chapter seven hundred and thirteen of the laws of eighteen hundred and eighty-seven, entitled "An act to tax gifts, legacies and collateral inheritances in certain cases," is hereby further amended to read as follows:

§ 1. After the passage of this act all property which shall pass by will or by the intestate laws of this state from any person who may die seized or possessed of the same while a resident of this state; or, if the decedent was not a resident of this state at the time of his death, which property or any part thereof shall be within this state; or any interest therein or income therefrom, which shall be transferred by deed, grant, sale or gift made in contemplation of the death of the grantor or bargainor, or intended to take effect in possession or enjoyment after such death, to any person or persons or to any body politic or corporate in trust or otherwise, or by reason whereof any person or body politic or corporate shall become beneficially entitled in possession or expectancy to any property or the income thereof, other than to or for societies, corporations and institutions now exempted by law from taxation, or from collateral inheritance tax, shall be and is subject to a tax at the rate hereinafter specified, to be paid to the treasurer of the proper county, and in the county of New York to the comptroller thereof, for the use of the state; and all heirs, legatees, devisees, administrators, executors and trustees shall be liable for any and all such taxes until the same shall have been paid as hereinafter directed. When the beneficial interest to any personal property or income therefrom shall pass to or for the use of any father, mother, husband, wife, child, brother, sister, wife or a widow of a son, or the husband of a daughter, or any child or children adopted as such in conformity with the laws of the state of New York, or to any person to whom the deceased, for not less than ten years prior to death, stood in the mutually acknowledged relation of a parent, or to any lineal descendant born in lawful wedlock; in every such case the rate of such tax shall be one dollar on every hundred dollars of the clear market value of such property, and at and after the same rate for every less amount, provided that an estate which may be valued at a less sum than ten thousand dollars shall not be subject to any such duty or tax; but if such beneficial interest is to or in land or real estate in this state, such interest shall be exempt from taxation under this section. In all other cases, the rate of tax shall be five dollars on each and every hundred dollars of the clear market value of all property, and at and after the same rate for any less amount, provided that an estate which

State tax upon certain property, etc., passed by will or intestate laws.

To whom payable.

Rate of tax upon certain beneficial interests.

Exemption.

Rate in other cases.

Exemption.

may be valued at a less sum than five hundred dollars shall not be subject to any such duty or tax.

§ 2. Section twenty-three of chapter four hundred and eighty-three of the laws of eighteen hundred and eighty-five, is hereby amended to read as follows:

Receipts as to payment of tax.

§ 23. Any person or body politic or corporate shall, upon payment of the sum of fifty cents, be entitled to a receipt from the county treasurer of any county, or from the comptroller of the county of New York, or a copy of the receipt at his option, that may have been given by the said treasurer or comptroller for the payment of any tax under this act, to be sealed by the seal of his office, which receipt shall designate on what real property, if any, of which any decedent may have died seized, said tax has been paid, and by whom paid, and whether or not is in full of said tax; and said receipt may be recorded in the clerk's office of the county in which said property is situated, in a book or books to be kept by said clerk for such purpose, which shall be labeled legacy and inheritance tax.

Record thereof.

Title of act amended.

§ 3. The title of chapter four hundred and eighty-three of the laws of eighteen hundred and eighty-five as amended by chapter seven hundred and thirteen of the laws of eighteen hundred and eighty-seven, is hereby amended to read as follows: "An act to tax gifts, legacies and inheritances."

§ 4. This act shall take effect immediately.

CHAP. 216.

AN ACT to prohibit, except on conviction for felony, the commitment of children under twelve years of age to the state industrial school at Rochester or the house of refuge on Randall's island.

APPROVED by the Governor April 20, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Hereafter, no child under the age of twelve years, shall be sentenced or committed to the state industrial school at Rochester, or the house of refuge on Randall's island, on conviction for any crime or offense less than a felony.

§ 2. This act shall take effect immediately.

CHAP. 217.

AN ACT to amend chapter four hundred and forty-eight of the laws of eighteen hundred and eighty-five, entitled "An act to amend chapter four hundred and twenty-seven of the laws of eighteen hundred and fifty-five, entitled 'An act in relation to the collection of taxes on lands of non-residents, and to provide for the sale of such lands for unpaid taxes.'"

APPROVED by the Governor April 20, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter four hundred and forty-eight of the laws of eighteen hundred and eighty-five, entitled "An act to amend chapter four hundred and twenty-seven of the laws of eighteen hundred and fifty-five, entitled 'An act in relation to the collection of taxes on lands of non-residents and to provide for the sale of such lands for unpaid taxes,'" is hereby amended so as to read as follows:

§ 2. The provisions of this act are hereby made applicable to all the counties in this state, except the counties of Cattaraugus and Chautauqua, but shall not affect any action, proceeding or application pending at the time of its passage; nor any action that shall be begun, proceeding taken or application duly made within six months thereafter, for the purpose of vacating any tax sale or any conveyance or certificate of sale made thereunder. All applications heretofore or hereafter made to the comptroller for the cancellation of any tax sale by any person interested in the event thereof, shall be heard and determined by him, and his determination shall be subject to review by certiorari, or otherwise. The provisions of this act shall also be applicable to all conveyances made by county treasurers or county judges and to all outstanding certificates from county treasurer's sales.

Act, how applicable

Applications for cancellation of tax sales, how heard, etc. Conveyances and certificates of sale.

§ 2. Nothing herein contained shall be construed to permit a proceeding to be begun or application to be made which is already barred by the provisions of the act hereby amended.

Proviso.

CHAP. 218.

AN ACT to amend chapter six hundred and seventy-nine of the laws of eighteen hundred and eighty-six, entitled "An act to provide for the taxation of fire and marine insurance companies."

APPROVED by the Governor April 20, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of chapter six hundred and seventy-nine of the laws of eighteen hundred and eighty-six, entitled "An act to provide for the taxation of fire and marine insurance companies," is hereby amended so as to read as follows:

§ 4. The lands and real estate of such insurance companies shall continue to be assessed and taxed where situated for state, city, town, county, village, school or other local purposes; but the personal prop-

Real estate, where assessed.

Exemption
from state
taxes.

erty, franchises and business of all such insurance companies incorporated under or pursuant to the laws of this state, or any other state or country, shall hereafter be exempt from assessment and taxation for state purposes, except as in this act provided; but they shall in all other respects be liable to assessment and taxation thereon as heretofore; provided, that this section shall not affect the fire department tax of two per centum now required to be paid.

§ 2. This act shall take effect immediately.

CHAP. 219.

AN ACT to provide for the improvement of the boulevard or road and public drive between One Hundred and Fifty-sixth street and Inwood street in the city of New York.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 21, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Improve-
ment of
boulevard.

SECTION 1. That portion of the road or public drive known as the boulevard, between One Hundred and Fifty-sixth street and Inwood street, in the city of New York, which said road or public drive was laid out by the commissioners of Central park, under and pursuant to chapter five hundred and sixty-five of the laws of eighteen hundred and sixty-five, entitled "An act to provide for the laying out and improving of certain portions of the city and county of New York," passed April twenty-fourth, eighteen hundred and sixty-five, but over which said road or public drive jurisdiction was, by chapter eight hundred and seventy-two of the laws of eighteen hundred and seventy-two and the acts in addition thereto or amendatory thereof, devolved upon or vested in the commissioner of public works of said city may be from time to time regulated and graded or otherwise improved by the said commissioner of public works in the manner and to the extent specified in section eight of said first mentioned act except that nothing in said act shall be construed to require the said commissioner to regulate, grade or otherwise improve the same to the full width thereof at any time, but the said road or any portion thereof may be from time to time improved and maintained at a less width until in the judgment of the said commissioner public convenience and necessity shall require the improvement thereof to its full width; provided, however, that the improvement of the said road at any time or times of a less width than the full width thereof shall not be construed as in any way affecting the title of the mayor, alderman* and commonalty of the city of New York, in and to any portion thereof, and that all the provisions of and powers conferred by the said section eight of said first mentioned act in relation to the said improvement and the assessment and collection of the expense thereof shall apply to each and every portion of the said boulevard, road and public drive which may from time to time be improved as herein authorized, except that the commissioner of public works shall possess and exercise the same as fully as by said act conferred upon the commissioners of Central park.

Proviso.

§ 2. This act shall take effect immediately.

*So in the original.

CHAP. 220.

AN ACT to provide for the payment of the expenses of the various elections to be held in the city of Yonkers in the year eighteen hundred and ninety-one, and authorizing the issuing of bonds therefor.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 21, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The common council of the city of Yonkers is hereby authorized to make and execute bonds of said city to such an amount as shall be necessary to defray the election expenses of said city for all elections to be held therein in the year eighteen hundred and ninety-one. Such bonds shall be of such denomination and bear such interest, not exceeding four per centum per annum, as the common council shall determine and shall mature on the first day of March, eighteen hundred and ninety-two. Such bonds shall be sold at not less than their par value and the proceeds thereof used for the purpose of paying the expense of all elections held in said city in the year eighteen hundred and ninety-one. The common council is hereby authorized to raise by tax, in the tax levy made in the year eighteen hundred and ninety-two, such sums of money as shall be necessary to pay the interest on such bonds, and the principal thereof, which sums shall be in addition to all sums otherwise authorized to be raised by tax.

Issue of
bonds for
election
expenses.

Tax to pay
interest
and prin-
cipal.

CHAP. 221.

AN ACT making an additional appropriation for repairing the broken culvert under the old canal in the village of Holley, and the construction in its place of a new passage for water, and removal of dams in the canal to prevent the water from flowing out of said culvert, and appropriating balance of money unexpended heretofore appropriated for that purpose.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 21, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of four hundred dollars, or so much thereof as is necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, in addition to the amount now unexpended appropriated by chapter one hundred and fifty-two, laws of eighteen hundred and eighty-nine, to be expended for the purposes and in the manner directed by said act, and for necessary expenses for advertising, engineering and inspection in connection with said work, to be paid on the warrant of the comptroller to the order of the superintendent of public works.

Appropriation.

Reappropriation.

§ 2. The sum of thirteen hundred and seventy-seven dollars and fifty cents, the balance remaining in the treasury unexpended of the sum of fifteen hundred dollars, appropriated by chapter one hundred and fifty-two, laws of eighteen hundred and eighty-nine, to repair the broken culvert under the old canal in the village of Holley, Orleans county, or the construction in its place of a new passage for water, and the removal of the dams put in the canal to prevent the water from flowing out of said broken culvert, is hereby reappropriated for the same purpose, to be expended by the superintendent of public works in accordance with the provisions of chapter one hundred and fifty-two, laws of eighteen hundred and eighty-nine.

Contracts for work.

§ 3. Said work shall be done upon contract, executed by and between said superintendent of public works, and the contractor or contractors to whom the work shall be awarded after due publication and advertisement, soliciting bids therefor, based on plans and specifications therefor to be prepared by the state engineer and surveyor.

§ 4. This act shall take effect immediately.

CHAP. 222.

AN ACT to promote dairy agriculture in the state of New York.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 21, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. For the purpose of promoting and extending dairy knowledge and science, and for disseminating the same amongst the people of this state, the sum of five thousand dollars is hereby appropriated for the year eighteen hundred and ninety-one, to be expended under the direction of the New York State Dairymen's Association. The comptroller shall pay the said sum of five thousand dollars out of any moneys not otherwise appropriated, to the order of the said association, and shall require vouchers for the expenditure, to be approved by him.

How payable.

§ 2. This act shall take effect immediately.

CHAP. 223.

AN ACT to amend chapter one hundred and fifty-seven of the laws of eighteen hundred and eighty-five, entitled "An act to authorize the Seneca nation of Indians to employ an attorney and counselor-at-law."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 21, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter one hundred and fifty-seven of the laws of eighteen hundred and eighty-five, entitled "An act to authorize the

Seneca nation of Indians to employ an attorney and counselor-at-law," is hereby amended by adding thereto another section as follows:

§ 2. Any taxable costs that have been or shall be recovered against said Seneca nation of Indians in any action that has heretofore or may hereafter be instituted by said James C. Strong, as attorney for said Seneca nation of Indians, shall, unless otherwise paid by said Seneca nation, be paid by the treasurer on the warrant of the comptroller out of any moneys payable, as annuity or interest money or otherwise, by this state to the Seneca Indians or Seneca nation of Indians, upon producing to and filing with the comptroller a duly certified transcript of the judgment or order awarding such costs.

Taxable
costs
against
Indians,
how paid.

§ 2. This act shall take effect immediately.

CHAP. 224.

AN ACT to amend chapter eighteen of the laws of eighteen hundred and sixty-two, entitled "An act to revise the charter of the city of Utica," and the several acts amendatory thereof and supplementary thereto.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 21, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section forty-five of chapter eighteen of the laws of eighteen hundred and sixty-two, entitled "An act to revise the charter of the city of Utica," as amended by section two of chapter forty-six of the laws of eighteen hundred and eighty-seven, is hereby amended so as to read as follows:

City
charter
amended.

§ 45. The common council shall pay to each alderman an annual salary not exceeding three hundred dollars, and to the treasurer an annual salary not exceeding nine hundred dollars, which shall be in lieu of all commissions or other compensation whatever, and to the corporation counsel an annual salary not exceeding one thousand dollars, which shall be in lieu of all fees, commissions or compensation whatever; which salaries shall be paid quarterly. And all costs and fees recovered, wherein the city is a party, shall be paid to the city treasurer within five days after the receipt thereof; the several officers appointed by the common council under the provisions of this act, whose compensation is not otherwise provided for, shall be allowed and paid for their respective services such compensation as the common council shall deem reasonable; and the inspectors and poll clerks of all elections held in any ward of the city shall be allowed and paid the same compensation that is allowed by law to like officers in towns for their services at general elections.

Salaries of
aldermen,
treasurer
and cor-
poration
counsel.

Costs and
fees re-
covered.

Compensa-
tion of cer-
tain other
officers.

§ 2. This act shall take effect immediately.

CHAP. 225.

AN ACT to legalize the designation of official newspapers made by the common council of the city of Troy, and to legalize and confirm the printing and publication of official notices and advertisements in the papers so designated, and to provide for the audit and payment of claims in connection therewith.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 22, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Designation of newspapers and publications there-in, legalized.

Claims, audit and payment of

Proviso.

SECTION 1. The designation of official newspapers, in and for the city of Troy, made by the common council of said city on the eighth day of December, eighteen hundred and eighty-seven, is hereby legalized and confirmed, and the printing and publication in the newspapers, so designated, of all municipal advertisements, official notices, legal notices, and the common council proceedings, including all advertisements and notices emanating from the said common council, or from any officer or department of the city of Troy, between the said eighth day of December, eighteen hundred and eighty-seven, and the thirteenth day of December, eighteen hundred and eighty-eight, both inclusive, are also hereby legalized, confirmed and made effectual as printed and published in the said newspapers. All claims against the city of Troy for such printing and publication in said newspapers, when made out at the usual or legal rates, and when duly verified by the claimants, shall be audited and allowed by the said common council, or by the proper officer or department of said city having authority in the premises, and warrants drawn therefor, which, when countersigned by the comptroller, shall be paid by the chamberlain of said city, either out of moneys standing to the credit of the fund for printing and advertising for the present fiscal year of said city, or which may be raised for said fund in the next fiscal year of said city. Nothing herein contained shall be held to warrant the payment of any claim for such printing or publishing for any time or to any amount in excess of any orders therefor, which may have been given by any officer or department of said city. Nor shall this act affect any action or special proceeding which is now pending in any court to which the said city or any of its officers or departments, is a party.

§ 2. This act shall take effect immediately.

CHAP. 226.

AN ACT making an appropriation for the completing the rebuilding of portions of the canal wall between the Oswego canal and the Oswego river, in the city of Oswego.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 22, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of ten thousand dollars, or so much thereof as ^{Appropriation.} may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of completing the rebuilding of portions of the canal wall between the Oswego canal and the Oswego river in the city of Oswego.

§ 2. All the work herein specified shall be done under the direction ^{Work, how done, etc.} of the superintendent of public works, and the state treasurer is hereby directed to pay the above amount upon the warrant of the comptroller, to the order of the superintendent of public works, for the purposes defined by this act.

§ 3. This act shall take effect immediately.

CHAP. 227.

AN ACT to amend chapter one hundred and fifty-three of the laws of eighteen hundred and eighty-one, entitled "An act to amend chapter two hundred and seventy-one of the laws of eighteen hundred and seventy-one, entitled 'An act to amend an act to incorporate the village of Warwick,' passed April fifteenth, eighteen hundred and sixty-seven, so as to enable the inhabitants of said village to obtain a supply of water for public and private uses."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 22, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section ten of chapter two hundred and seventy-one of the laws of eighteen hundred and seventy-one, entitled "An act to amend an act to incorporate the village of Warwick," passed April fifteenth, eighteen hundred and sixty-seven, so as to enable the inhabitants of said village to obtain a supply of water for public and private uses," as amended by chapter one hundred and fifty-three of the laws of eighteen hundred and eighty-one, is hereby amended so as to read as follows:

§ 10. The commissioner shall not be directly or indirectly interested ^{Commissioner not to be interested.} in any contract, relative to the work or materials for the work, that may be necessary at any time for the maintenance and extension of said water system. He shall receive as a compensation for his services ^{Compensation.} the sum of one hundred dollars per annum in addition to the necessary expenses and disbursements paid by him; all of which shall be

Commis-
sioners
subject to
directions
of trustees.

paid from the receipts of water rents in the said village by the treasurer thereof. In the regulation of the distribution and use of water in said village by the said commissioners,* for any and all purposes, and in the establishment of the rates or prices to be paid therefor, the said water commissioner shall be subject to the supervision, direction and control of the board of trustees of said village.

§ 2. Section twelve of said act is hereby amended so as to read as follows:

Receipts
for water
rents, how
applied.

§ 12. The entire annual receipts for water rents after deducting therefrom such sums as may be necessary to defray the expenses of the maintenance, extension, or repairs of said water system, and other necessary expenses and disbursements, shall be applied upon and toward the payment of the interest and principal of the loan, or loans hereinafter provided for.

§ 3. Section thirteen of said act is hereby amended so as to read as follows:

Tax for
deficien-
cies.

§ 13. In case the entire annual receipts for water rents, after making the deductions as in said section twelve provided, shall in any year or years be insufficient to pay the interest upon the said loan or loans, or insufficient to pay the principal of any part of said loan, provided for by section twenty-five of this act, it shall be the duty of the trustees of said village, and they are hereby directed to cause such deficiency to be assessed, levied and collected from the taxable property of the said village, at the same time and in the same manner, as other taxes of said village are assessed, levied and collected, and the same shall be applied to the payment of such interest and principal, as the same may or shall become due and payable.

§ 4. Section fourteen of said act is hereby amended so as to read as follows:

Surplus
of income
from rents,
how ap-
plied.

§ 14. The surplus moneys now in the hands of the treasurer of the village of Warwick, derived from the income from water rents in said village, together with any surplus of income hereafter received by him from such water rents shall be applied in payment of the principal amount, secured or evidenced by the bonds of said village authorized by section nine of this act, and now outstanding until the same shall be fully paid and satisfied.

§ 5. The said act is hereby further amended by adding thereto the following additional sections to be known as sections twenty-five, twenty-six, twenty-seven and twenty-eight.

Commis-
sioner may
borrow
money.

§ 25. The water commissioner of the village of Warwick, or his successor in office, shall have power, and it shall be his duty to borrow, from time to time, upon the credit of the village of Warwick, a sum not exceeding fifteen thousand dollars for a term not exceeding twenty-five years, and at a rate of interest not exceeding five per centum per annum, and to secure said loan the said commissioner is authorized to make, execute and deliver bonds, certificates or other obligations not to exceed the sum of fifteen thousand dollars, which shall be signed by such commissioner, and which said bonds, certificates or other obligations shall be made payable, with interest, in sums of one thousand dollars in each year, after ten years shall have expired from the issue of such bonds, certificates or other obligations, and the interest thereon to be payable semi-annually upon the amount of such loan. And the amount of such bonds and the interest thereon shall be a valid liability against said village, and the credit of said village is pledged for the

Issue of
bonds.

* So in the original.

payment of the same. The said bonds and the whole issue thereof shall contain and be subject to an option on the part of said commissioner, to pay any one or all of said bonds, at any interest period after the expiration of the said term of ten years. And in the event that the said bonds are not all paid at one and the same time, then the said commissioner may determine by lot, based upon the numbers of such bonds, which bond, or bonds, shall become due and payable. And upon any bond so drawn, interest shall cease thereon, at and upon the expiration of the next interest period. All surplus revenues from the said water system during the first ten years, from and after the issue of said bonds, shall be safely invested by the said water commissioner, in the name of the village of Warwick, as a sinking fund for the payment of the said bonds as they may become due.

Sinking
fund for
payment
thereof.

§ 26. The money so borrowed and realized upon the bonds, as in the preceding section provided, shall be used and appropriated by the said water commissioner, or his successor in office and by Grinnell Burt, Ferdinand V. Sandford and James H. Holly, residents of said village, who are hereby named and appointed as a commission to act with the said water commissioner, in the expenditure of the amount so borrowed, or as much thereof as may be necessary, in supplying the said village with a sufficient and additional supply of water. The said Grinnell Burt, Ferdinand V. Sandford and James H. Holly, hereby named and appointed to act as a commission with the said water commissioner, shall take and subscribe an oath to faithfully perform their duties as members of such commission, and they shall enter into a bond to the said village to be approved by the trustees thereof, conditioned for the faithful performance of their duties as members of such commission. They shall hold the position as members of such commission until the completion of the work of furnishing a sufficient and additional water supply for said village, but not beyond or after the first day of July, eighteen hundred and ninety-three. The members of such commission, other than the water commissioner shall serve without compensation. In the event of the death, or resignation of any or all the members of said commission, the board of trustees of said village shall appoint a suitable and proper person to fill such vacancy.

Proceeds,
how ap-
propriated.

Commis-
sion.

Oath and
bond.

Term of
office.

Vacancies.

§ 27. All the provisions of this act are hereby declared to be applicable to the extension of the water system of said village, and the said water commissioner, and the commission hereby created are fully authorized and empowered to do and perform all acts and things for the construction and extension of said water system, and the procuring of an additional supply of water for said village, as the original commissioners named and appointed by said act were authorized and empowered to do.

Extension
of water
system.

§ 28. As soon after the passage of this act as possible, a meeting of the electors of said village, entitled to vote as provided in section eight of title four of the charter of the village of Warwick, shall be called by the trustees of said village, upon notice thereof, to be published for two weeks in the village newspaper or newspapers, at which meeting the question shall be submitted to the said electors whether the indebtedness to be incurred and the taxes to pay the same, for the purposes herein provided for, shall be incurred, or levied and collected from the village as in this act provided. The trustees shall designate in said notices some central and convenient place in said village for holding the polls of said election, and the inspectors, appointed as provided by section five of title two of said village charter, shall act as

Submis-
sion of
question to
electors.

Polls and
inspectors.

To proceed only upon favorable vote. inspectors of such election. The said water commissioner, and the commission hereby created, shall not proceed with their duties under this act unless the majority of the voters voting at such election shall vote in favor of incurring said indebtedness and of levying such taxes; such vote shall be by ballot, and there shall be written or printed on the ballot, for those in favor of incurring the indebtedness and levying the taxes, the words "for the indebtedness and taxes," and on the ballot for those opposed, the words "against the indebtedness and taxes."

Ballots.

§ 29. This act shall take effect immediately

CHAP. 228.

AN ACT to amend chapter one hundred and fifty-two of the laws of eighteen hundred and eighty-one, entitled "An act to amend chapter one hundred and eighty-eight of the laws of eighteen hundred and seventy-seven, entitled 'An act to amend chapter three hundred and eighty-five of the laws of eighteen hundred and sixty-seven, entitled An act to incorporate the village of Warwick,' as amended by chapter four hundred and eighty-one of the laws of eighteen hundred and seventy-two and section one of chapter three hundred and three of the laws of eighteen hundred and seventy-three."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 22, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Village charter amended.

SECTION 1. Section five of title two of chapter three hundred and eighty-five of the laws of eighteen hundred and sixty-seven, entitled "An act to incorporate the village of Warwick," as amended by section two of chapter one hundred and fifty-two of the laws of eighteen hundred and eighty-one, is hereby amended so as to read as follows:

Annual election.

§ 5. An election shall be held on the first Tuesday after the first Monday of April in each and every year, from and after the year eighteen hundred and ninety-two, for the election of officers named in the first section of this title, to be elected by ballot, by the electors of said village; and the trustees of said village shall annually appoint three inspectors of such election, who shall give notice in the manner prescribed in section two of this title, and the inspectors so appointed, or a majority of them, shall declare the persons receiving the greatest number of votes duly elected to the respective offices for which they were chosen.

Inspectors.

§ 2. Section six of title two of said act as amended by chapter one hundred and fifty-two of the laws of eighteen hundred and eighty-one is hereby amended so as to read as follows:

Trustees, election and terms of.

§ 6. At the annual election held the first Tuesday after the first Monday in April, eighteen hundred and ninety-two, and at each annual election held thereafter, one trustee shall be elected, the term of whose office shall commence on the first Tuesday succeeding his election, and shall expire on the first Tuesday following the second annual election thereafter; and the term or terms of office of the trustees now in

office, or their successors, shall respectively expire upon the first Tuesday after the election as provided in this act, as hereby amended.

§ 3. Section one of chapter three hundred and three of the laws of eighteen hundred and seventy-three, as amended by section eight of chapter one hundred and fifty-two of the laws of eighteen hundred and eighty-one, is hereby amended so as to read as follows:

§ 1. The said village of Warwick is hereby declared a separate road district, and shall be exempt from the jurisdiction and control of the commissioner of highways of the town of Warwick aforesaid. The trustees of said village shall be commissioners of highways in and for said village and shall possess all the powers given by any law of the state of New York to the commissioners of highways, as far as the same may be applicable, in addition to the powers herein and hereby conferred; and the said trustees, for the purpose of improving the streets, may from time to time contract with, or appoint an individual or individuals, to superintend the work and to procure the materials directed by said trustees, to be done and procured, in and for said village, and the streets thereof, and may compensate such individual for his services out of the highway taxes, the said trustees having the direction as to the amount to be expended, the work to be done and the materials to be procured; and the said trustees are authorized and empowered to raise not exceeding the sum of five hundred dollars by tax, to be assessed upon the real and personal property within the bounds of said corporation, and to be collected from the several owners and occupants thereof, as other taxes are levied and collected under this act, and to expend the sum so levied and collected in the repair and maintenance of the streets and highways within such village, or for any other highway purposes therein. If in the opinion of the board of trustees, the interest of said village require an expenditure for extraordinary or special purposes in the improvement or working of the streets or highways of said village, which cannot be paid for, or done out of, or with the said sum of five hundred dollars, in any one year, the trustees, when they shall so determine that an extraordinary expenditure is necessary for the said purposes, shall be subject to the provisions of section eight of title four of this act, and the provisions of said section so far as the same can be made applicable, shall apply to, and legalize any special meeting, called by the trustees of said village for the purpose of determining by a vote of the taxable inhabitants of said village, whether such expenditure be necessary, or proper, and whenever it is necessary to repair any of the bridges, or to build a new bridge, in the said village district, the said trustees of the village and the commissioner of highways of said town, are hereby authorized to cause the same to be repaired or built, as a town charge; the commissioner of highways of the said town of Warwick is hereby directed to pay, or provide for the same, by issuing the bonds of said town, payable on the first day of February, ensuing the next annual meeting of the board of town auditors of the said town, after the giving or issuing of the said bonds; the board of town auditors of the said town of Warwick are hereby required to audit and allow to the persons holding said bonds the amount specified therein, or due thereon for principal and interest, which amounts shall be included by the board of supervisors of the county of Orange, at their annual meeting, at the rate of taxes for said county and town, and be levied and collected as taxes are, or may be levied and collected by law.

Separate road district.

Powers of trustees as highway commissioners.

Highway tax.

Extraordinary expenditures.

Bridges, repair, etc., of.

Expense thereof, how paid.

CHAP. 229.

AN ACT to amend sections five and six of chapter four hundred and thirty-one of the laws of eighteen hundred and eighty-nine, entitled "An act to provide for the improvement of portions of Jackson avenue, Vernon avenue and the boulevard in Long Island City, and for the payment of the expenses thereof."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 22, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of chapter four hundred and thirty-one of the laws of eighteen hundred and eighty-nine is hereby amended so as to read as follows:

Issue of
bonds for
improvements.

Limitation.

Interest.

How executed and when payable.

Sale of bonds.

Proceeds, how disbursed.

Annual tax to pay bonds and interest.

§ 5. In order to pay for the several improvements, or so much of the several improvements as authorized or directed by this act, and lands acquired together with the incidental expenses of making such improvements, as far as the amount hereinafter named will complete, it shall be the duty of the mayor and common council of Long Island City, and they are hereby empowered and authorized, upon the written request of said commissioners or a majority thereof, stating in said request that money is required for said improvements, and to be used for said purposes, to issue within a reasonable time, coupon bonds of said city to an amount not exceeding four hundred thousand dollars, in series of one hundred thousand dollars, which shall be known as street improvement bonds of Long Island City, and shall show upon their face that they are issued under the provisions of this act. The denominations of said bonds shall be five hundred dollars each, and shall bear interest at four and one-half per centum per annum, and shall be payable semi-annually on the first day of May and November in each and every year, and shall be payable to bearer and pass by delivery, and shall be at all times receivable at par and accrued interest in payment of any assessment under the authority of which they are issued or the interest thereon. The said bonds shall be signed by the mayor and clerk and countersigned by the treasurer of Long Island City, and the coupons shall be signed by the clerk of said city, and shall be so respectively made payable that of the principal sum thereby secured to be paid, an amount equal to the assessments levied hereunder shall fall due and be payable as follows: One-fifth thereof on the first day of November following the expiration of five years from the filing in the office of the treasurer and receiver of taxes of Long Island City, of the assessment-roll herein provided for; and one-fifth thereof annually thereafter until said amount shall be paid, and the balance of said bonds twenty years after their date. The said bonds shall be sold and negotiated by the treasurer of Long Island City, but no such bonds shall be sold, issued or negotiated at less than par value. The proceeds of the same, when sold, shall be retained by the city treasurer and disbursed by him from time to time as the same may be required, upon the order of said commissioners or a majority of them, for the purpose herein set forth and no other. In order to pay the interest on said bonds and so much of the principal sum thereof as shall not be paid from the assessment herein provided for,

the said mayor and common council are hereby authorized, empowered and directed to cause to be raised by general tax upon the property subject to taxation, according to law, within said city, and to be collected in addition to the ordinary taxes yearly, and every year until the said bonds mature, a sum of money sufficient to pay the interest annually accruing on said bonds, and to make provisions by taxation or otherwise for the payment when due, of so much of the principal of said bonds as shall not be paid from the assessment herein provided for.

§ 2. Section six of said chapter is hereby amended so as to read as follows:

§ 6. Said commissioners shall deduct from the whole cost of the improvements as ascertained and estimated by them, one-half of the cost of grading and paving, and of said incidental expenses. They shall then certify to the board of assessors of Long Island City the sum remaining after such deduction, with such certainty and particularity as said commissioners shall deem necessary to enable said assessors to make a fair and equitable assessment of such remainder upon the property subject, as herein provided, to assessment for said improvements, and for the purpose of convenience in such certification the commissioners may subdivide the property, subject to said assessment, into sections or subdistricts in such manner and of such extent as they may seem* fit, and may make separate certificates to the board of assessors for each of said sections or subdistricts in such manner and form as will enable the said assessors to determine the proper and ratable portion of said sum required for or justly chargeable to each lot or parcel of land within such section or subdistricts.

Deduction from cost of improvement.

Certificate of remainder to board of assessors.

§ 3. This act shall take effect immediately.

CHAP. 230.

AN ACT to amend chapter two hundred and sixty-six of the laws of eighteen hundred and seventy-one, entitled "An act authorizing the election of a police justice in the village of New Rochelle," and to declare, enlarge and define the compensation, powers and duties of the police justice of said village, and to provide for the designation of an acting police justice and his compensation, and to provide for the custody, maintenance and transportation of prisoners.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 23, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of chapter two hundred and sixty-six of the laws of eighteen hundred and seventy-one, entitled "An act authorizing the election of a police justice in the village of New Rochelle," passed April fourth, eighteen hundred and seventy-one is hereby amended so as to read as follows:

§ 4. The said police justice shall have jurisdiction, exclusive of any justice of the peace, within the corporate limits of the said village of

Police justice, his jurisdiction.

*So in the original.

tion and
powers.

Acting
police
justice,
designa-
tion of,
etc.

Compensation.

Term.

Proceed-
ings on
criminal
warrants.

Tempo-
rary des-
ignation,
etc.

New Rochelle, to issue all criminal process, except as in this act otherwise provided, to hear all complaints and conduct all examinations in criminal cases arising within the limits of said village, to hold courts of special sessions, with all the power and jurisdiction of said courts, and to hear and determine charges for every misdemeanor committed within the corporate limits of said village. Any judgment, order or conviction made by him, may be reviewed by appeal in like cases, in like manner, and with like effect, as if the proceedings were before a justice of the peace. He shall have jurisdiction and full power, exclusive of any justice of the peace, to hear, try and determine all causes, proceedings or actions, civil or criminal, arising under or by reason of the violation of the charter, by-laws or ordinances of said village, and to enforce the payment of any fines or penalties imposed by the charter, by-laws or ordinances of said village. He shall, in all things relating to the manner of procedure in his court, or in the arraignment or trial of parties accused, be governed by the same law as justices of the peace, or courts of special sessions in towns, as said laws may now exist, or hereafter be enacted, and his judgment shall have like effect, and all his proceedings may be reviewed in the same manner and in the same courts as are now or may be provided by law for such review, in cases of judgments and proceedings of justices of the peace, or of courts of special sessions, within the towns of this state. The board of trustees of said village of New Rochelle shall designate and appoint, in writing, and file the same with the village clerk, one of the justices of the peace of the town of New Rochelle, and said justice of the peace thus designated and appointed shall, at any time when the police justice shall be unable to perform the duties, or any of them, of his office, on account of necessary absence from the village, sickness or any other cause that does not vacate his office, perform all the duties, and have all the powers, authority and jurisdiction, and be subject to all the requirements, regulations and duties herein provided as to said police justice, while so acting in the place and stead of said police justice, and the board of trustees shall fix as the compensation of said justice of the peace while acting as police justice, such fees as they may deem to be just and reasonable, not to exceed however the fees now allowed by law to justices of the peace in towns for similar services, and the amount so paid to such justice of the peace shall be deducted from the salary of the police justice by the trustees. And said justice of the peace so designated shall receive no fees, pay or allowances from any source for such services while so acting as police justice, except as herein provided. Such appointment of said justice may be for a time limited or during the pleasure of said board of trustees. In case any criminal warrant issued by the police justice shall be returned during his absence from the village, by sickness, disability or inability to act, any further proceedings on such warrant may be had before the justice of the peace so designated as aforesaid, and the said justice of the peace having once entered on the trial of an action or proceeding under this section, and not otherwise, may proceed to determine it. Such justice of the peace in signing process while so acting under this section shall add to his official title the words "acting as police justice." If both said police justice and the said justice of the peace shall at any time be temporarily absent from this village, or unable to perform the duties of this office, or if the board of trustees shall fail or neglect to designate a justice of the peace to act as police justice as herein provided, then the president of the village shall designate any other justice of the peace of the town

of New Rochelle to perform the duties of said office during said temporary absence or inability, and the trustees shall provide for the payment thereof, and such justice of the peace thus designated shall have all the powers, authority and jurisdiction, and be subject to all the rules, regulations and duties, provided as to said police justice for the time he shall so act. But no justice of the peace of the town of New Rochelle shall receive any fees, emoluments or pay from any source, for the performance of any duties, or the issuing of any process of which the police justice, by this act, has jurisdiction, except as provided in this act, nor shall any justice of the peace have any criminal jurisdiction within the said corporate limits of the village of New Rochelle, except while acting as police justice under this section, as hereinbefore provided, or as otherwise provided in this act.

§ 2 Section five of said chapter, is hereby amended so as to read as follows:

§ 5. In lieu of fees in criminal cases arising within the limits of the village of New Rochelle, tried and determined, or otherwise disposed of, by said police justice and of fees in actions under the village charter, by-laws, ordinances, resolutions and orders of the board of trustees, under the provisions of the village charter, the said police justice shall receive and be paid an annual salary of one thousand dollars, which shall be paid to said police justice by the board of trustees of said village, and the said police justice shall, on the first Monday of each and every month, pay over to the treasurer of said village, all fines and penalties received by him during the preceding month, and all fees in actions to which said village is a party, and shall obtain the receipt of said treasurer therefor and file the same with his report to the trustees hereinbefore provided for. And any justice of the peace of the town of New Rochelle, residing or having his office within the limits of said village, who, in the absence or inability of said police justice, hears and determines any criminal case or proceedings arising within the limits of said village, or hears and determines any case, action or proceeding, under the charter, by-laws or ordinances of said village, under or by reason of the designation hereinbefore provided for, or otherwise, as the case may be, or collects or receives any fines or penalties therefor or security for the payment thereof, shall, within thirty days after the hearing and determining of any such case, action or proceeding, or of the collection or receipt of any such fine or penalty, or the security therefor, make a report thereof under oath to the board of trustees of said village, at their regular monthly meeting, giving date of trial or determination of case or cases, action or actions, proceed in or proceedings, names or parties, nature of action or proceeding, together with a statement of the amount of charges, fines or penalties imposed or collected, and the dates of the collection or receipt by him of such fines or penalties; and he shall also, within the time above specified, pay over to the treasurer of said village of New Rochelle the amount of such fines or penalties so collected or received by him, and take the said treasurer's receipt therefor, which he shall attach to his said report to said board of trustees and file the same therewith. The said police justice shall make a return under oath to the board of trustees of said village, on the first Monday of each month, of all criminal cases heard or determined by him, and of all fines or penalties imposed or collected by him during the preceding month. All moneys received by the treasurer of the village of New Rochelle under this act, as and for fines and penalties, shall be placed to the credit of the police fund. The said police justice shall hold a court of special sessions at least

Town justices,
powers of,
within
village.

Salary of
police
justice.

Payment
of fines,
etc., to
treasurer.

Report of
acting
police
justice.

Payment
of fines,
etc.

Monthly
return of
police
justice.

Police
fund.

Court of

special
sessions.

Tax for
purposes
of act.

twice each day, at such hours and place as may be designated by the trustees, for the hearing and determining of such criminal cases as may be brought before him. The trustees shall have power to levy and assess each year, upon the taxable property and inhabitants of said village, for the purpose of this act, a sum not to exceed fifteen hundred dollars.

§ 3. Section seven of said chapter is hereby amended so as to read as follows:

Fees of
town
justices.

§ 7. No justice of the peace of the town of New Rochelle shall be entitled to receive any fees in criminal cases arising within the limits of the village of New Rochelle, from the town of New Rochelle. Such justice of the peace shall, however, be entitled to receive from the village of New Rochelle, for issuing warrants returnable before the police justice, such fees as are now allowed by law for similar services in towns. And as acting police justice during the sickness, absence or inability of the police justice, shall be compensated as provided in the first section of this act.

Term of
present
police
justice.

§ 4. Nothing herein contained shall be deemed or construed to affect, shorten or interfere with term of office for which the present police justice was elected, but he shall hold such office for the term for which he was elected, or until his successor shall be chosen.

§ 5. Section eight of said chapter is hereby amended so as to read as follows:

Prisoners,
custody,
maintenance,
etc., of.

§ 8. The trustees of the village of New Rochelle shall provide for the custody and maintenance of all persons arrested, accused of the violation of any law, and shall also provide for the custody and transportation of persons convicted in said village of the violation of any law, in accordance with the sentence, order or commitment of the police justice. The expenses of apprehending, examining, trying and committing offenders against any law of the state in the village aforesaid, and their confinement properly chargeable against the county of Westchester, shall be audited, allowed and paid by the board of supervisors of said county in the same manner as if such expenses had been incurred in any town in said county. The police justice shall annually, at the presentation of claims against the county of Westchester, make out and verify his account of all official business done by him or by any justice of the peace acting as police justice which, if performed by a justice of the peace, would be a county charge, and present the same to the board of supervisors of said county, who shall audit and allow it to the village of New Rochelle, and levy and collect same as other county charges, and when collected cause the same to be paid into the village treasury.

Expenses
charge-
able to
county,
how aud-
ited, etc.

Annual
account to
supervis-
ors.

Repeal.

§ 6. All acts or parts of acts, general or special, inconsistent with this act are hereby repealed.

§ 7. This act shall take effect immediately.

CHAP. 231.

AN ACT in relation to the electrical subways in the city of New York.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 23, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of electrical control in and for the city of New York is authorized, with the consent of the Consolidated Telegraph and Electrical Subway Company, to enter into new contracts with said company and with the Empire City Subway Company (limited), providing for a division of the work of constructing, maintaining and operating subways in said city in such manner that the work of constructing, maintaining and operating subways for telegraph and telephone conductors, and for the low tension conductors of the Edison Electric Illuminating Company of New York shall be done by the Empire City Subway Company (limited), and the work of constructing, maintaining and operating all other subways shall be done by the Consolidated Telegraph and Electrical Subway Company. Such new contracts shall be in accordance with the resolutions of said board, adopted the fifteenth day of December, eighteen hundred and ninety, and in accordance with the terms of the proposed contracts mentioned in and approved by said resolutions, subject to the provisions of this act. The Consolidated Telegraph and Electrical Subway Company may also convey and transfer to the Empire City Subway Company (limited), such of the subways already constructed as the last named company shall in and by such new contract be authorized to maintain and operate.

New contracts for division of work, etc., authorized.

How made.

Transfer of subways.

§ 2. All acts and parts of acts inconsistent with this act are hereby repealed.

Repeal.

§ 3. This act shall take effect immediately.

CHAP. 232.

AN ACT to amend chapter three hundred and ninety-six of the laws of eighteen hundred and eighty-five, entitled "An act to revise the charter of the city of Dunkirk," and the acts amendatory thereof and supplementary thereto.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 23, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section* one, two, three, four, five, six, seven and eight of title sixteen of chapter three hundred and ninety-six of the laws of eighteen hundred and eighty-five, as amended by chapter three of the

Repeal.

* So in the original.

laws of eighteen hundred and ninety, are hereby repealed, and said title shall hereafter read as follows:

TITLE XVI.

Street im-
provements,
powers of
council as
to.

Resolution
of inten-
tions.

Notice to
make pipe
connec-
tions.

Council
may cause
same to be
made.

Publica-
tion of
resolution,
notice of
receiving
bids, etc.

Resolution,
what to
contain.

Street im-
provement
sections.

SECTION 1. The common council shall have power to cause any street or part of a street, to be graded and macadamized or remacadamized, or to be graded and paved, or repaved, and shall have power to purchase the necessary machinery, tools, implements and materials by it deemed necessary for that purpose, which power to pave or macadamize shall be exercised in the form and manner herein prescribed.

§ 2. Whenever the common council shall determine to grade and macadamize or remacadamize or to grade and pave or repave any street or any part of a street, it shall pass a resolution declaring its intentions so to do, and shall cause a notice to be served upon the owners of property fronting upon such street, by including in such resolution a notice requiring the owner of each lot on such street, so to be paved or macadamized, within forty-five days from the day of the first publication of such notice to cause connection with the sewer, gas and water pipes in front of each lot, and at such distances apart as the common council may deem necessary, to be made and extended to the curb line when such connections have not been made, which connections shall be made under the supervision of the engineer and subject to his approval, and such connections with gas and water pipes to be of lead pipe. Should any such owner or owners neglect to cause such connections to be made within the forty-five days, then the said common council may cause such connections to be made, and the cost and expense of making the connections in front of each lot shall be assessed to the owner of such lot as a part of his assessment for paving or macadamizing such street, and in the same roll and subject to the same opportunity to be heard and reviewed, and shall publish such resolution for two successive weeks in the official paper of the city, with notice that the resolution has been so passed, and with the further notice that the common council will receive bids for the work and materials upon specifications to be delivered to any person desiring to make such bid on the job of doing the work and furnishing the materials therefor, said common council shall also publish said resolution and said two notices in a Buffalo paper and in some general contractor's paper, the same two successive weeks, said notice so published shall also state the time and place, when and where such bids will be opened and examined by the common council, also that the common council reserves the right to reject any and all bids that may be made. That said resolution shall state that the common council intends, to improve the street or part of street therein described between two points therein specifically to be named, either by grading and paving or macadamizing the same. And shall further state that whether such improvement will be made by pavement or macadam will depend upon the election of the owners of the foot frontage along that part of the street so to be improved, and that such election may be effected in the form and manner prescribed by this act. And said resolution shall also state that in case such adjoining owners fail to make such election, that then and in that case such street will be improved with such materials as shall be determined upon by said common council. In the exercise of the power hereby conferred upon said common council the following rules shall be observed. Central avenue for the purposes of this act is hereby divided into three sections. The first

section begins with the south line of Front street in said city and ends with the north line of Fourth street. The second section begins with the north line of said Fourth street in said city and ends at the New York, Chicago and St. Louis railroad, and the third section begins at the terminal point last named and ends with the southerly boundary line of said city. Lion street, for the purposes of this act, is hereby divided into four sections. The first section begins with the south line of Front street and ends with the center line of Third street; the second section begins with the center line of Third street and ends with the north line of Fifth street; the third section begins with the north line of Fifth street and ends with the north line of Seventh street; and the fourth section begins at the north line of Seventh street and ends with the city line. As to all other streets which cross Central avenue, such streets must be divided into sections which begin on the sides of said Central avenue, which sections shall extend from said Central avenue easterly or westerly, as the case may be. All streets, except Lion street and Central avenue, for the purposes of this act, shall be divided by the common council into sections before taking any steps for the paving or macadamizing thereof. In dividing such streets into sections, the following rules shall be observed by the common council. No section shall contain less than four blocks, if there be four blocks on the street to be improved, if there should be less than four blocks in the street to be improved, then and in that case the section shall cover the whole of such street; if there should be more than four blocks and less than eight blocks in the street to be improved, the section shall cover the whole of that street. The word block as here used shall be construed to mean from one wide street to the next wide street, disregarding the narrow streets intervening between the wide streets, and treating the space from one wide street to the next wide street as one continuous block, said common council shall in all cases by their said resolution include the whole of one of said sections so described, and may include the whole of two or more of said sections, but in no case shall they by their said resolution divide either of the sections hereby defined or any of the sections hereby authorized to be made by said common council. Said resolution shall also declare that the entire street or part of a street defined by said resolution will be improved by paving or macadamizing as rapidly as the amount of means within the control of the common council and the circumstances of the case will permit and that the improvement, whenever made, will be in accordance with said election of said adjoining owners, if an election be made, and if no such election be made, that then and in that case said improvement whenever made will be in accordance with the decision of said common council made upon default of said election. The common council shall previous to the publication of said resolution and accompanying notices prepare and print detailed specifications of any macadam street required to be constructed, showing the kind and character of the materials to be used, the form and manner of its construction, the character of the grading to be done, the form and manner of the construction of the gutters and their margins and particularly showing all the several parts of the macadam construction and what it shall be when completed. The common council shall also prepare and print detailed specification of any paving street required to be constructed, showing the kind and character of the materials to be used and the manner of their use, the character of the grading to be done,

Rules to be observed in division of streets.

Declaration in resolution.

Detailed specifications.

Bidding
sheets.

Checks to
accompany
bids.

Opening of
bids

Determi-
nation of
lowest bid.

Notice to
be pub-
lished.

Owners to
elect be-
tween pay-
ing and
macadam.

Stoppage
of expen-
ditures for
political
year.

the form and manner of the construction of the gutters and their margins, and particularly showing all the several parts of the paving construction and what it shall be when completed with such varieties in the said specifications as may be necessary to adapt it to the different kinds of paving which constitutes the upper surface of a paved street. The common council shall also prepare and print a bidding sheet in form for bidding for the job of macadamizing the street, also in form for bidding for the job of paving the street with Medina stone, also in form for bidding for the job of paving the street with paving brick, also in form for bidding for the job of paving the street with any other kind of paving material. When any such job or jobs are to be let, said common council shall furnish to any person desiring to make such bid a copy of said specifications with a copy of said bidding sheet attached. All persons making bids in the several premises shall make such bids upon said bidding sheets, and shall severally accompany their bids with a certified check payable to the order of the city treasurer for five per centum of the cost of such improvements at the price fixed by such bidder. Unless all such bids are rejected by the common council, its duty shall be to award the contract for doing the work and furnishing the materials therefor as called for under the specifications to the lowest responsible bidder. All said bids so delivered to and received by said common council shall be publicly opened and examined by it on the thirteenth day after the day of the first publication of said resolution and said accompanying notices, whereupon the said common council shall immediately ascertain and determine which is the lowest bid made by a responsible bidder for the proposed macadam and which is the lowest bid made by a responsible bidder on the proposed paving, showing which is the lowest bid on all the several respective classes of paving material for which bids have been received and shall thereupon forthwith publish in the official city paper the lowest bids offered for each of these several forms of improvement without naming any of the persons who made such bids. Within fourteen days after the day of the first publication of said notice showing the lowest bids received in the case, the adjoining owners on the several sections proposed to be improved shall make their election as between paving and macadam in the form and manner herein provided. But in all cases the adjoining owners of each particular section shall decide as between paving and macadam for such section and adjoining owners of any other section shall have no voice in the determination. Subject, however, to the condition that when the cost and expense of any proposed improvement will not exceed the sum of five hundred dollars, the common council shall decide what materials shall be used in the making of such improvement without notice to any person whatever, in any form or manner whatever, and shall make such improvement accordingly. The common council shall stop all expenditures on the streets of the city of Dunkirk for paving and macadamizing any of such streets for the political year in which the work is being done, whenever the liability of the city for the current year on account of paving or macadamizing cross streets and on account of other expenses connected therewith, including all its liabilities springing from such improvement of such streets, shall reach the sum of ten thousand dollars and such additional amount as may be in the city treasury to the credit of the street improvement fund, and such work and expenditures shall not be resumed until after the commencement of the next political year, as defined by section eight of title seven of the city charter. In de-

termining the amount of such liability the money actually paid by the city and all money which it has become liable to pay in the premises shall be included in the sum of its liability. In no event shall the common council in making such improvements use of the city's money more than ten thousand dollars in any one year and such additional sums as may be left from previous years in the street improvement fund.

Yearly expenditures by city limited.

§ 3. When the cost and expense of the work and improvements mentioned in the last preceding section shall exceed the sum of five hundred dollars the work shall not be ordered except on the vote of a majority of all the members elected to the common council, and not until the adjoining owners shall have had the opportunity to elect between paving and macadam in the form and manner herein provided.

Improvements in excess of \$500, ordering of.

Such election shall be made by petition to the common council by the owners of the land adjoining the several sections proposed to be ordered improved. Each petitioner shall in plain terms say which form of improvement he elects, if he prefers macadam he shall say "macadam" if he prefers pavement he shall say "pavement," and to the name of each the petitioner shall add the number of lineal feet adjoining the section described in the notice which is owned by him. In making such election the city property and the property owned by non-residents of the city shall not be counted. Said petitioners shall file the said petition with the city clerk, within fourteen days after the day of the first publication of said notice, showing the several lowest bids received. Upon the filing of such petition with the city clerk the said petition shall be referred by him to the town assessors, and it shall be the duty of said assessors within ten days to certify to the common council as to the number of front feet represented by the petitioners in each several section to be improved separately from any other section, the whole number of feet frontage adjacent to such section improvement, counting the frontage on both sides of the street, exclusive of the intersecting and abutting streets and exclusive of the frontage of the adjoining property owned by the city and exclusive of the frontage of property owned by non-residents of the city, the number of feet owned by each of such resident petitioners, the number of feet owned by persons who elected macadam, the number of feet owned by persons who elected pavement and the amount in feet of the majority. Said petitioners who elect paving must also add to their name in said petition the kind of pavement which they elect to use in the improvement. And in case such petitioners vote for different kinds of pavement, said assessors shall ascertain whether or not the persons voting for pavement with any specific material were owners of more than one-half of the foot frontage represented by those who voted for paving, if they find that they are such majority owners, then, and in that case, the said assessors shall return the number of lineal feet represented by the persons who voted for the pavement with such specific material, also the whole number of feet represented by the persons who voted for all other and different paving material. In case the common council shall find that the persons representing a majority of the lineal feet, which by their owners voted for paving, the particular section actually voted for paving with any specific material, said common council shall order the paving accordingly. If, however, it shall be found that the paving petitioners do not agree by a majority of lineal feet represented by them as to the material to be used, then, and in that case, unless the persons owning the majority of the lineal feet represented by those who voted for paving within fifteen days after the day the petition was delivered to said

Petition for pavement or macadam.

Referred to town assessors.

Kinds of pavement, election as to, etc.

Council may determine materials.

assessors, agree upon some one specific material to be used in such paving, the common council shall itself determine upon the particular material to be used in such paving and order accordingly.

Ordering
of im-
prove-
ment.

Award of
contract.

Contractor
to give
bond.

Forfeiture
of checks.

Failure of
lowest bid-
der to
enter into
contract.

Return of
checks.

Readvertis-
ing for
bids.

Improve-
ment of
sections
upon peti-
tion

§ 4. After it shall have been determined by election or otherwise with what material the improvement in each section is to be made, the common council shall by resolution order the improvement to be made accordingly, and it shall be the duty of the common council to award a contract for doing the work as called for under the specifications to the lowest responsible bidder on that particular kind of improvement, within ten days after notice to him of the award of such bids, the successful bidder must enter into a contract with the city for the performance of the work as called for by the specifications, and he shall before entering into such contract execute a good and sufficient bond to the satisfaction of the common council of said city for an amount equal to one hundred per centum of the total cost of the improvement as fixed by the successful bidder, conditioned that the contract of the principal obligor will be faithfully performed and further conditioned that the principal obligor will pay all sums agreed to be paid on account of materials furnished to be used in the performance of said contract and that said principal obligor will pay all sums agreed to be paid for work and labor done in and about the performance of such contract. The bond shall be signed by the contractor as principal and by two or more responsible residents of the state of New York as sureties, such sureties together shall justify in an amount at least equal to the amount of the penalty of the bond over and above all other liabilities which they may have incurred, upon the making and delivery of such bond, the certified check for five per centum shall be returned to the different bidders upon the work which has been awarded. In case such lowest responsible bidder does not make the bond required as provided above and enter into a contract for the faithful performance of the work and for the payment of the costs thereof as above provided, then his check for five per centum of the cost of the proposed work shall be forfeited as just and liquidated damages to the city, and the city clerk shall be directed by the common council to deposit the same with the city treasurer to the credit of the street improvement fund. In case of failure of the lowest responsible bidder to enter into a contract within the ten days provided above, then the common council shall have authority to either return the certified checks accompanying other bids, or it may notify the next lowest bidder that his bid will be accepted, provided it shall conform to the conditions required from the lowest responsible bidder as hereinbefore provided. All certified checks sent in by bidders under this law, shall be returned to them within thirty days after the opening of the bids, except where the same shall have been declared forfeited as provided herein.

§ 5. In case no bids received are accepted by the common council, or if when accepted the bidder neglects to enter into a contract as above provided, and the common council does not perfect a contract with the next lowest bidder in the form and manner herein provided, then and in that case and in all such like cases the common council shall proceed at once to readvertise for bids in the same form and manner as provided in the first instance, and the opening and acceptance of such bids, and the whole proceedings shall be governed by the same rules and regulations provided for in the first case.

§ 6. If the owners of a majority of the lineal frontage along any of said sections of said several streets shall petition the said common council to improve such section by paving or macadamizing, if the

parties petitioning are agreed as to whether it shall be paving or macadam, and if paving they are agreed as to the particular material to be used, said common council shall publish a notice of such petition in the official paper of the city with a description of the section to which it refers and give them further notice with the said publication of said notice of petition, that it will receive bids for the work and material for such job upon specifications to be delivered to any person desiring to make such bid on the job of doing the work and furnishing the materials therefor. The further proceedings must be such as are prescribed in cases when the common council on its own motion resolve to make an improvement. If the said common council shall reach the determination in the form and manner herein prescribed that such petitioners have made an election, either to pave or macadam, then and in that case said common council shall order the said section improved in accordance with said election. But the commencement of such improvement shall be deferred until the said common council can see that such improvement can be made in addition to other improvements already begun without expending more of the city money than it is authorized to expend within the current year.

Petition and notice to be published.

Proceedings.

Ordering of improvement.

Proviso as to commencement.

§ 7. On all streets where such improvements are made the street engineer shall determine the total cost of the improvement between the street intersections, not including any general expenses in one sum and the cost of the improvements in the cross streets and streets abutting upon the street improved not including any general expenses, shall be made in a second sum. When an intersecting street does not cross any street upon which improvements are being made, the street intersections shall be considered as extending only to the middle of the street being improved, the other boundaries will be made by drawing a line across the street at right angles with the line of the street being improved from the two points at which the opposite sides of the abutting streets touch the line of the street improved.

Street engineer to determine costs.

§ 8. The owners of the land adjoining the street so improved shall pay the entire cost and expense of the improvement between the intersecting streets and the city shall pay the entire cost and expense of the improvements within the cross streets and abutting streets as above defined.

Payment thereof by owners and city.

§ 9. The said general expenses shall be divided pro rata, share and share alike between the city and said adjoining owners in the proportion which the cost and expense of the improvement within the intersecting and abutting streets, exclusive of the general expenses, bears to the cost and expense of the improvement of the street between the intersecting streets, exclusive of the general expenses, and such general expenses shall be divided and paid accordingly.

General expense, division of.

§ 10. The common council shall employ a competent engineer whose duty it shall be to make plans and specifications for the improvements to be made, to prepare said bidding sheets, to stake out or otherwise mark the location of the improvements, to see that the improvements are made in accordance with the plans and specifications, to see that the materials used in making the improvement comply with the specifications and generally to supervise the whole work of the improvement. The common council shall also employ a competent assistant or assistants for the said engineer who shall be under the directions of such engineer, and whose duty shall be to look after the details of the improvement and to see that the work of the improvement is properly done in the absence of the engineer, and to do such

Engineer, employment of, etc.

Assistants.

General expenses, defined.

other things as may be required by such engineer. The cost and expense of the employment of the said engineer and assistants is the "general expenses" above referred to.

Cost and expense, council to determine and charge.

§ 11. Said common council shall ascertain and determine the cost and expense of the improvement of the entire section of the street so improved separate and apart from any other work, exclusive of the general expenses as above defined. And shall ascertain and determine the cost and expense of all that part of the improvement which lies upon the intersecting streets, which cross such section or abut thereon, exclusive of the said general expenses, and charge the same to the city. And shall ascertain and determine the cost and expense of that part of the improvement in such section which is not covered by said intersecting and abutting street or streets, exclusive of the said general expenses, and charge the same to the adjoining owners. And shall then ascertain and determine the whole of said general expense, which accrued in making the improvement of said section. The common council shall then ascertain and determine the share of the general expenses which is to be paid by the city and charge the same to the city. It shall also ascertain and determine the share of the general expenses which is to be paid by the adjoining owners and charge the same to the adjoining owners.

General expense, apportionment of.

Special assessors to assess cost.

§ 12. Having ascertained the total amount to be charged to said adjoining owners, the common council shall appoint three disinterested electors of said city special assessors, and deliver to them a true statement of the entire cost and expense of such paving or macadamizing which is chargeable to said adjoining owners, with directions to assess the same as required by this act. It shall be the duty of said special assessors to assess upon the property adjoining the entire section paved or macadamized, exclusive of cross and abutting streets, the said sum so delivered to them by said common council, pro rata, share and share alike, in proportion to the number of feet which each property owner has a frontage on that portion of the street so paved or macadamized. Said assessments so made shall be a lien upon the land so assessed, and the lien may be enforced and collected out of the land upon which said lien is hereby created, precisely as general taxes are collected out of the land against which they are taxed or the lien may be enforced by action in the same form and manner in which any lien upon land may be enforced.

Their duties.

Assessments, liens.

Improvement of parts of streets incumbered with railroad tracks.

§ 13. Whenever any street railroad track runs upon and along any street ordered to be paved or macadamized, the railroad company owning such railroad track shall pay for the improvement of that part of such street which lies under and between said railroad track and one foot each side thereof, or said street railroad company shall, under the supervision of said engineer construct the said improvement under and between the said track and one foot each side thereof, with the same material and in the same form and manner in which the balance of said street is improved, and in whatever form such improvement is made, whether by the city or by said railroad company, the entire expense thereof must be borne by the said railroad company, subject however, to the condition that if the said street railroad company prefers to pave between its rails with first quality Medina stone upon request of said railroad company, said common council may permit it to do so under the supervision of said city engineer. That part of such street not incumbered by said railroad track shall be paved or macadamized when ordered by the common council after taking the same preliminary steps herein provided for in other cases, and after the adjoining

Expense borne by railroad company.

Parts not incumbered by tracks, improvement of

owners shall have had their opportunity to elect between paving and macadam, in the form and manner aforesaid, and all the rules prescribed for streets having no railroad thereon shall apply to such street, except that the adjoining owners shall not be charged with the cost and expense of that part of said street lying under and between said railroad track and one foot each side thereof. Said common council shall ascertain and determine the cost and expense of the improvement of the entire section of such street so improved, exclusive of that part of such street occupied by said railroad track and one foot each side thereof exclusive of the general expense. And shall also ascertain and determine the cost and expense of all that part of the improvement which lies upon the intersecting streets, which cross such section or which abut thereon, exclusive of the cost and expense of that part of such street upon which said railroad track lies and one foot each side thereof, and exclusive of the general expenses and charge the same to the city. And shall also ascertain and determine the cost and expense of that part of the improvement in such section which is not covered by said intersecting and abutting street or streets and which is not covered by said railroad track and one foot each side thereof exclusive of said general expense and charge the same to said adjoining owners. The said common council shall then ascertain and determine the cost and expense of that part of the improvement of the street under and between said railroad track and one foot each side thereof, exclusive of said general expenses, and if the improvement is made by the city, charge the same to said railroad company. Said general expenses shall be borne and paid by said city, said railroad company and said adjoining owners pro rata share and share alike in proportion to the cost of the city's portion, the cost of the railroad's portion and to the cost of the adjoining owner's portion outside of said general expenses. Said common council shall, when the work is completed, ascertain and determine the share of general expense which is to be paid by the city and charge the same to the city. It shall also ascertain and determine the share of the general expenses which shall be paid by said railroad company and charge the same to said railroad company. It shall also ascertain and determine the share of the general expenses which is to be paid by the adjoining owners and charge the same to said adjoining owners.

Council to determine and charge cost.

General expenses, how borne, etc

§ 14. For the purposes of providing the money to pay the cost of the city's portion of said improvement herein provided for, the common council may assess upon all the property within the city of Dunkirk, liable to general taxation for public uses, and collect therefrom each year a sum in no case to exceed the sum of ten thousand dollars, to be known as the street improvement fund. Said common council shall hold at least one meeting in the month of August in each year to attend to the affairs of the city of Dunkirk. At the first meeting held in the month of August in any year, the common council is authorized to assess and collect such street improvement fund subject to the provision that only one such assessment can be made in any one political year. Such street improvement fund shall be kept separate and apart from any other money or funds of the city and shall be used for no purpose whatever except as herein provided. The assessment for improvements of streets under this act paid by the city as adjoining owner along a street improved as herein provided shall be paid by the city out of the general fund and the money so paid in any one political year shall be collected the next political year with the general tax of such succeeding year in the same form and manner in which other

Annual tax for street improvement fund.

Meeting of council.

Fund to be kept inviolate.

Assessment of city as adjoining owner.

Ordering of improvements in anticipation of fund, prohibited.

Completion of work.

Accepted streets.

Repairing thereof.

Duty of street commissioner.

City, when not a property owner.

Present improvement fund, how expended.

Assessment-roll.

Powers of council as to assessments.

Privilege to pay entire unpaid assessment.

general taxes are collected. The common council of any one political year shall order all the street improvements herein described with reference to the street improvement fund of that particular political year, and said common council is hereby prohibited from ordering any such improvements in anticipation of the street improvement fund of any succeeding political year. Subject, however, to the provision, that in case an improvement is fairly ordered within the spirit of the last preceding paragraph and not fully completed within the year in which the order was made, that then and in that case the said improvement must be completed the next succeeding political year.

§ 15. All streets or parts of streets paved at the time this act takes effect, or which shall subsequently be paved or macadamized shall be deemed accepted streets within the meaning of this title, and shall be repaired when necessary; the repairing of accepted streets shall be paid for from the fund known as the "street improvement fund."

§ 16. The street commissioner shall cause the accepted streets to be repaired upon the order of the common council, and shall employ the necessary men and purchase the necessary material therefor. When such work has been done, or any material has been purchased, the commissioner shall certify the expense of the same to the common council. The common council shall thereupon order the proper warrant for the payment thereof to be drawn on the treasurer. For the purposes of this title, repairs of streets shall not include the repaving or remodeling of the streets.

§ 17. The city shall not be held to be a property owner of any property in street intersections in determining the number of front feet of property assessable as herein provided.

§ 18. Any money now in the hands of the city treasury to the credit of the street improvement fund, collected under chapter three of the laws of eighteen hundred and ninety, amending title sixteen of the charter of Dunkirk, shall be added to and may be expended in addition to the appropriation authorized by this act, but in no way to interfere with the yearly collection of a sum not exceeding ten thousand dollars, called the "street improvement fund."

§ 19. The board of assessors shall make an assessment-roll, wherein they shall briefly describe and designate the land on which an assessment is made and assess the amount fixed by the common council as has been provided in previous section of this act, and shall set in the last column of such roll opposite the name of the person, corporation or association, and property assessed, the amount of tax assessed upon such person, corporation or association and property.

§ 20. The common council shall have the power to extend the time for the payment of the assessments made on account of such improvements, and to make the assessment payable in ten equal annual installments, the first installment to be paid immediately after the delivery of the first warrant for the collection thereof to the receiver of taxes, the remaining installments to be paid when due each successive year thereafter, on warrants issued for the collection thereof, with interest thereon from the ninetieth day after the said first warrant is so delivered to said receiver, and in every case the warrants must conform to the plan, and the first warrant shall command the collection of the first installment only, and each successive warrant shall command the receiver to collect the installment then due, together with interest thereon from a day named, which shall be the ninetieth day after the day of the delivery of the first warrant to the receiver of taxes, all which shall be with the privilege on the part of the person assessed to

pay the entire assessment on the first warrant or to pay all the unpaid assessments, together with interest thereon on any warrant thereafter issued.

§ 21. To each of such assessment-rolls confirmed and filed with the clerk of said city, the common council shall annex a warrant under the seal of the city, signed by the mayor and countersigned by the clerk, commanding the receiver of taxes in and for the town of Dunkirk to collect from the several persons named in the assessment-roll the several sums mentioned in the last column of the said roll opposite their respective names, or so much thereof as shall be specifically ordered, together with the fees of such collector and cause such roll with said warrant thereto attached to be delivered to the receiver of taxes of the town of Dunkirk, said common council shall by resolution permit the several assessments in said roll to be paid in ten equal installments, the first installment, to wit: One-tenth of the assessment to be paid immediately, in which case the first warrant to the receiver of taxes shall command him to collect from the several persons named in the said assessment-roll one-tenth only of the several sums mentioned in the last column of such roll opposite the respective names of the persons assessed, together with the fees therefor, the remaining nine unpaid installments shall bear interest, commencing at the expiration of ninety days from the day the first warrant is delivered to said receiver, if the person assessed elects to pay at once the entire assessment, the said receiver shall take the same and give to the party so paying, a receipt in full for the entire assessment. After the expiration of one year from the day of the delivery of the first warrant to said receiver, said common council shall annex to said roll a second warrant; similar to the first warrant, commanding the said receiver to collect the second unpaid installment and the interest thereon, together with his fees therefor. And from thenceforth whenever any of the several respective successive unpaid installments shall become due and payable, said common council shall issue the proper warrant for the collection of the installment so due and payable, together with interest, and attach the same to said assessment-roll and deliver the said warrant so attached to said receiver, which warrant shall command said receiver to collect the installment due and payable describing it, together with the interest thereon and his fees for the collection. And so repeat the said warrant until all said installments, together with interest and fees, shall be fully paid. All said warrants shall direct the receiver to accept the balance of any of said assessments due or to become due, from any party assessed, who desires to pay the same and give a receipt in full therefor. If any of said installments shall remain unpaid ninety days after the time of the delivery of the warrant for the collection thereof, then and in that case the whole amount of the unpaid assessments against the defaulting party shall become and be due immediately after the default so made, and the said common council shall by its warrant command said receiver to collect the same immediately. Whenever any work connected with street improvement as herein provided has been completed, it shall be the duty of the common council, if they deem it necessary to anticipate the collection of the taxes or assessments connected therewith, it may so do in the form and manner provided in section ten, title twenty-four, of said chapter three hundred and ninety-six of the laws of eighteen hundred and eighty five, and place the amount so raised with the city treasurer, to the credit of the street improvement fund. When bonds shall be issued in anticipation of the collection of

Warrant to receiver of taxes.

Payment of assessments in installments.

Receipts for entire assessment.

Second warrant.

Warrants repeated until assessments paid.

To direct acceptance of balance due.

Unpaid installments.

Issue of bonds in anticipation of assessments.

Resolution

- directing
issue
thereof. any such assessments, the resolution directing the issue of such bonds shall designate the particular assessments to anticipate which such bonds are to be issued, the common council shall cause a copy of such resolution to be filed in the office of the receiver of taxes, and all sums thereafter received by said receiver upon such assessment shall be paid by the receiver to the city treasurer, and by him kept separate from other funds, and shall be applied to the payment of such bonds as fast as such bonds become due.
- Payment
of bonds.
- Repeal. § 22. All acts and parts of acts heretofore passed relating to the village of Dunkirk or the city of Dunkirk inconsistent with this act are hereby repealed.
- § 23. This act is hereby declared a public act
- § 24. This act shall take effect immediately.

CHAP. 233.

AN ACT to amend chapter sixty-five of the laws of eighteen hundred and seventy-one, entitled "An act to revise and consolidate the laws in relation to the village of Geneva in the county of Ontario," and the acts amendatory thereof.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 22, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Village
charter
amended.

SECTION 1. Section two of title four of chapter sixty-five of the laws of eighteen hundred and seventy-one, entitled "An act to revise and consolidate the laws in relation to the village of Geneva, in the county of Ontario," is hereby amended so as to read as follows:

Clerk, his
duties.

§ 2. The clerk shall hold his office for two years. It shall be his duty to attend all meetings of the people on the business of the corporation; to attend all meetings of the board of trustees; to record all their proceedings, and, in case of appointment or nomination of any officer, to record such appointment in full, stating the names of the members of the board who voted for the same. He shall also record all bonds of village officers at length, including the justification and approval indorsed thereon. He shall also enter at length all resolutions or ordinances adopted by said board, stating the names of those members of the board who voted for the same. It shall be his duty to keep all books, records, deeds and writings belonging to the corporation, and deliver the same to his successor on demand, and to perform any other duties that the board of trustees may by by-laws or ordinances require. His salary shall be three hundred dollars yearly, and he shall receive no other compensation, fee or emolument.

Salary.

CHAP. 234.

AN ACT to amend chapter eighty of the laws of eighteen hundred and seventy-one, entitled "An act for the election of a receiver of taxes and assessment for the town of Rye and village of Port Chester" as amended by chapter one hundred and forty-six of the laws of eighteen hundred and eighty-four.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 22, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven of chapter eighty of the laws of eighteen hundred and seventy-one, entitled "An act for the election of a receiver of taxes and assessments for the town of Rye and village of Port Chester," as amended by chapter one hundred and forty-six of the laws of eighteen hundred and eighty-four," is hereby amended so as to read as follows,

§ 7. The percentage on taxes and assessments received or collected by the said receiver shall be applied to the payment of his salary and the expenses of his office. The salary of the receiver is hereby fixed at the sum of one thousand and five hundred dollars per annum, payable monthly after the fifteenth of February, eighteen hundred and ninety-one, upon the order of the supervisor of the town of Rye, and the president of the board of trustees of the village of Port Chester; and all necessary expenses of his office which shall not, however, in the aggregate exceed one hundred and fifty dollars shall be audited and paid by the said president and supervisor. In case the percentage aforesaid shall not be sufficient in the aggregate for the payment of such salary and necessary expenses as herein specified, the amount of the deficiency shall be assessed and collected from the taxable property in the said town, with the taxes of the ensuing year, and shall be applied to make up such deficiency. All surplus money on hand at the expiration of each year shall be applied by the supervisor toward the payment of town indebtedness.

Salary of receiver, and how payable.

Office expenses.

Tax for deficiency in salary, etc.

Surplus money, how applied.

§ 2. This act shall take effect immediately.

CHAP. 235.

AN ACT to provide for the extension and opening of Rensselaer street in the city of Troy by the building of a bridge.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 22, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The common council of the city of Troy is hereby authorized to order and direct that Rensselaer street in said city be extended and opened from its present easterly terminus, eastwardly to a point at or near which Eighth* street and North Adams street inter-

Extension and opening of street.

* So in the original.

sect each other, by the construction of a bridge between the points named, with necessary piers and abutments thereto. The said bridge must be of a width sufficient for use both by vehicles and pedestrians. The expense of constructing such bridge, piers and abutments shall be paid by the city of Troy and shall be raised in the manner herein-after provided. The proceedings for such extension and opening shall be conducted in the same manner and with like effect as is provided in the charter of said city with reference to proceedings for extending and opening public streets, except that the same may be instituted, in this case, by resolution of the common council, duly adopted, and no district of assessment shall be required to be fixed by the local assessors of said city. But before any such proceedings are instituted, it shall be the duty of the common council to require and the city engineer of said city to furnish a careful estimate of the cost of constructing such bridge, piers and abutments. The city of Troy may accept from the Fitchburgh Railroad Company a conveyance of a right to construct such bridge over the lands of said company and of a right to forever maintain the same and to build and maintain such piers and abutments upon said lands. But if said company shall not make such conveyance, the city of Troy may acquire such rights through the proceedings authorized by this act and the charter of said city with reference to street openings and extensions. If such bridge shall be constructed it must be at an elevation sufficient to admit of the free and unobstructed passage thereunder of the locomotives and cars of the said railroad company, and of brakemen in a standing position on said cars. The said bridge so constructed shall be considered as a part of Rensselaer street in said city, and it shall be the duty of said city to keep and maintain the same in repair. If such bridge shall be ordered, it shall be the duty of the contracting board in said city, to advertise for proposals, and to award and enter into contracts therefor in the same manner as is provided in the charter of said city, with reference to public improvements. To enable the city of Troy to pay the damages which may be awarded to the owner or owners of property taken or condemned for such public improvement, and also the contract price or prices for such work the said city is hereby authorized to borrow the money necessary for such purposes by the issuing of its bonds to the lender or lenders of said money, which bonds shall be signed by the mayor and chamberlain, and countersigned by the comptroller of said city. They shall bear a rate of interest not exceeding four per centum per annum, and shall not be sold at less than par. They shall be made payable at such time or times not exceeding ten years from the date of issue as shall be fixed by the said mayor, comptroller and chamberlain. The proceeds thereof shall be used only for the purposes herein specified. The interest on said bonds and the principal thereof when due shall be raised by tax upon the real and personal property liable to taxation in the city of Troy in the same manner as other expenses of the city government, and shall be paid to the owner or owners of such bonds.

§ 2. This act shall take effect immediately

Bridge, and
expense of
construct-
ing.

Proceed-
ings for
extension,
etc.

Estimate
of cost.

Acquisition
of rights.

Manner of
construction
of bridge.

Mainten-
ance.

Contracts.

Issue of
bonds.

Tax to pay
interest
and principal.

CHAP. 236.

AT ACT to amend title twenty of chapter five hundred and eighty-three of the laws of eighteen hundred and eighty-eight, entitled "An act to revise and combine in a single act all existing special and local laws affecting public interests in the city of Brooklyn," as amended by chapter three hundred and fifty-five of the laws of eighteen hundred and ninety, relating to elections.

BECAME a law without the approval of the Governor, in accordance with the provisions of article our, section nine of the Constitution, April 23, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Title twenty of chapter five hundred and eighty-three of the laws of eighteen hundred and eighty-eight, entitled "An act to revise and combine in a single act all existing special and local laws affecting public interests in the city of Brooklyn," and the acts amendatory thereof, is hereby amended so as to read as follows:

City
charter
amended.

TITLE XX.

§ 1. The board of elections of the city of Brooklyn shall consist of four members, who shall be appointed by the mayor of said city, and shall be known as commissioners of election. The term of office of each of the members of such board, appointed in the year eighteen hundred and ninety or afterward, to fill a vacancy in the board as then appointed, shall continue until the first day of May in the year eighteen hundred and ninety-five as now provided. On or within thirty days after the first day of May in the year eighteen hundred and ninety-five, and on, or within thirty days after the first day of May in every fifth year thereafter, the mayor shall appoint four commissioners of election, who shall constitute such board of elections, each of whom shall be a resident and voter of the city of Brooklyn, and not more than two of whom shall be of the same political party. The term of office of each commissioner of elections hereafter appointed, except when appointed to fill a vacancy, shall be five years from the first day of May of the year of such appointment, but any commissioner may continue to serve as such after the expiration of his term until his successor shall be appointed and shall have qualified. In case of the removal, resignation, or death of any commissioner of elections, within thirty days thereafter, his successor shall be appointed by the mayor for the remainder of the term, the person so appointed to be of like political faith and opinion with the commissioner whose vacancy is to be filled. No person holding any public office of any kind, under either the United States, state, county, or municipal government, excepting the office of notary public or commissioner of deeds, nor any employee of any department in said city shall be eligible as a commissioner of elections, and all votes cast at any general or special election for any person who shall have served as commissioner of elections during any portion of the three months immediately preceding such election for any office, shall be absolutely void. Every person who shall be appointed a commissioner of elections in pursuance of the provisions of this title,

Board of
elections.

Terms of
incum-
bents.

Appoint-
ments in
1895.

Qualifica-
tions.

Terms of
office.

Vacancies.

Inelligi-
bility to
appoint-
ment.

Oath of
office.

shall before entering upon the discharge of his duties take the oath of office prescribed by law, before the city clerk of the city of Brooklyn.

President
of board.

Clerks and
assistants.

§ 2. The said board of elections shall have the power to elect by a majority vote, or in case they can not so elect to select by lot one of its members president of the board. The two commissioners of like political faith and opinion, shall have power to appoint a clerk, and to remove him from office; and the remaining two commissioners shall have the power to appoint another clerk, and to remove him from office; and the said board shall have the power to appoint such other assistants, and to secure such room or rooms as may be necessary for the transaction of their business.

Election
districts,
division of
city into.

Redistrict-
ing of
wards.

§ 3. On or before the first day of September in any year which they may deem it necessary so to do, the said board of elections of the city of Brooklyn shall divide said city into convenient election districts for the holding of all general and special elections, and all elections of the officers of the said city who are elected by the people. Each election district of said city shall contain not more than three hundred voters, and each district shall be entire within one ward. In case the voters of any such district shall increase beyond three hundred, then the said board of elections shall have power to redistrict any ward where such increase occurs. No election district in the city of Brooklyn shall be altered, nor any new district created, after the first day of September in any year.

Maps and
description
of districts.

§ 4. As soon as the wards in said city shall be divided into districts, the said board of elections shall immediately publish the same by making a map or description of each division, defining it by known boundaries, and keep such map or description open for public inspection in the office of the clerk of such city, and also by posting up copies of such map on or before the fifteenth day of September, in each year, in at least ten of the most public places in each election district; and the said board of elections shall also, prior to every election, furnish copies of such map and description to the registrars and inspectors of election in each district.

Boundaries
and polling
places,
designa-
tion and
publication
of.

Proviso as
to designa-
tion of
polls.

§ 5. The board of elections of the city of Brooklyn, shall, on the third Monday of September in each and every year, designate and afterward publish, in the corporation newspapers published in said city, on the days of such registration and the day of election, and on two days prior to each of such days including Sunday, the boundaries of each election district and the places for holding the polls in said city, and for the meeting of the said boards of registrars and inspectors. But no building or part of a building shall be designated as such place of registry or polling place, in any part of which wine, beer, or intoxicating liquor is sold.

Registrars
of electors.

Inspectors,
canvassers,
poll-clerks,
and ballot
clerks.

Political
faith of ap-
pointees.

§ 6. On or before the fifteenth day of September in each year, the said board of elections shall appoint, for each election district, two persons to serve as registrars of electors, who shall also serve as and be inspectors of elections, on or at any election. On or before the fifteenth day of October in each year, they shall appoint, for each election district, two other persons to serve as inspectors of elections, and four persons to serve as canvassers, two persons to serve as poll clerks and two persons to serve as ballot clerks. In each election district, one of the two registrars, and one of the two inspectors, and two of the four canvassers, and one of the two poll clerks, and one of the two ballot clerks, shall be named solely by the two commissioners of like political faith and opinion on state and national issues, and shall belong to and represent the political party represented by such commissioners,

and the remaining registrar, inspector, canvassers, poll clerk and ballot clerk of such district shall be named solely by the other two commissioners, and shall belong to and represent the political party represented by such commissioners. Any registrar, inspector, canvasser, poll clerk, or ballot clerk, may be removed or his appointment revoked and another person of like political faith and opinion on state and national issues, appointed in his place by the two commissioners by whom he was appointed; and any vacancy occurring in either of said offices by reason of resignation or inability to serve, may be filled in like manner by the two commissioners by whom the appointment to such office was made, at any time before the opening of the polls on election day. In case any poll clerk or ballot clerk appointed shall fail to attend at the opening of the polls on election day, the inspectors of like political faith may appoint one in his place; and in case of any vacancy occurring during the voting or canvassing of votes, such vacancy may be filled by the inspectors or canvassers of like political faith, and the said inspectors and canvassers and inspectors shall recognize as the only proper and competent poll clerks and ballot clerks those persons who shall produce the certificates of appointment bearing the latest date, and none other. But in no case shall both the poll clerks or ballot clerks or registrars, or more than two of the persons serving as inspectors or canvassers in any election district be of the same political faith and opinion; and in case of the appointment of a poll clerk or ballot clerk to fill a vacancy after the opening of the polls on election day, as above provided, the chairman of the board of inspectors or the chairman of the board of canvassers shall administer the usual oath of office to such poll clerk or ballot clerk before such poll clerk or ballot clerk shall enter upon the discharge of his duties.

Removals.

Vacancies,
how filled.

Provide.

§ 7. The said registrars of electors shall make the registry hereinafter provided for, in the city of Brooklyn, and the said registrars and inspectors shall hold the elections hereinafter mentioned, and preside at the same, and have and possess all the powers and be subject to all the duties and liabilities of inspectors of election. The registrars of each election district shall meet at the place designated for holding the poll therein at the next general election, on Tuesday, four weeks, Wednesday of the third week and Friday and Saturday of the second week preceding the day of the November election of each year, for the purpose of registering the names of the legal voters of such election district, and for this purpose they shall organize themselves as a board of registry in each election district, and appoint, or in case they can not agree, select by lot, one of their number as chairman of the board. The said board shall be and remain in attendance on each of the days above named at said designated place, from seven o'clock in the forenoon to ten o'clock in the afternoon, for the purpose of making a list of all persons who are, or will be on the day of the next election, qualified and entitled to vote at such election in said election district, under and in accordance with the provisions of the constitution and laws of this state, and who have personally appeared and asked to be registered. The name of no person, shall, at any time, be entered upon said registry unless the elector shall personally appear before said registrars. Such list, when completed, shall constitute and be known as the registry of electors of said district. Every member of said board shall make a list of qualified voters in the district, and enter therein, under the heading of the street or avenue in which each voter resides, his name, age, residence, and the duration of his residence in the state, in the county, and in the election district; and no person

Registrars
and in-
spectors.
duties of.

Boards of
registry,
annual
meeting of.

Organiza-
tion.

Hours for
registra-
tion

Personal
appearance
necessary.

List of
qualified
voters.

Oath, when administered to applicant.

Production of naturalization papers.

Mistakes of legal voters in registering, how corrected.

Change of registration after removal from district, how made.

Changes in residence, in same district, how made.

Registry lists, to be made.

shall be registered unless he be at the time or will be on the day of the next election a resident and qualified voter within the election district; and it shall be the duty of the registrars receiving his name, if such person be challenged, or in case such registrars shall have cause to suspect such person is not a resident of such district, or is from any cause disqualified from voting therein, to administer to him the same oath which the law prescribes shall be administered to a challenged person attempting to vote at a regular election, and such registrars shall make a memorandum on the registry opposite the name of every person who has been thus sworn. The fact that such person has been thus sworn, shall not prevent his being sworn again if challenged for any cause when he attempts to vote at the next election. It shall be the duty of every naturalized citizen, before being registered, to produce to the registrars, if any registrar shall require, his naturalization papers for their inspection and to make oath before them that he is the person purporting to have been naturalized by the papers so produced, unless such citizen was naturalized previous to eighteen hundred and sixty-seven, and any person knowingly taking a false oath before such registrars shall be punished as for wilful and corrupt perjury. If at any time on or prior to the Thursday preceding the day of election, the board of registrars in any election district shall be satisfied that any person otherwise eligible as a voter in the said city has by mistake been registered in the election district in which said board shall have been and shall be serving, and shall be entitled to be registered in another district in the same ward, they shall strike his name from the said registry, and thereupon give to such voter a certificate, signed by said board, that his name has been stricken from their said registry on account of such mistake, and on presentation of such certificate within the prescribed hours of their session, as herein provided, to the registrars of the district where said voter, according to law, was duly entitled to be registered, his name shall be entered on the registry in such district with like force and effect as if he had been originally registered therein. If any person who has registered his name as a voter shall change his residence to another district thirty days or more before the election, he may present himself to the registrars of the district in which he has registered and state to them on oath that he has so changed his residence, and the place to which he has removed. Such board of registrars shall thereupon give him a certificate that his name has been stricken off on account of such removal, and shall strike his name off from the registry on which it has been entered; and on presentation of such certificate to the registrars of the district to which he shall have so removed, at their final meeting, on the Thursday preceding the day of election, his name shall be entered on the registry in such district, with a memorandum of such removal.

§ 8. If any voter, after being registered, shall change his place of residence within the same election district, he may appear before the board of registrars of that district at their final meeting on the Thursday preceding the day of election, or before the board of inspectors on day of election; and state to such board on oath that he has so changed his residence; and such board shall thereupon transfer such voter's name upon their registry to its proper place under his new residence.

§ 9. On the Monday next after the last of the four days hereinbefore provided for the registration of voters the said registrars of each election district shall make and complete four additional lists of said registry, and enter therein the names of the persons registered, under the

heading of the streets or avenues in which they reside, their age, place of residence in numerical order, length of time of residence in the state, in the county and in the election district, and in a column headed "remarks" if to be challenged as follows:

NAME OF STREET OR AVENUE.

Residence number or other designation.	NAME OF VOTER.	Age.	Length of residence in the state.	Length of residence in the county.	Length of residence in the district.	Remarks (to be challenged).	Form of lists.

The said lists, when so completed, shall be signed and certified by each registrar. Two of the said lists shall be carefully preserved by the board of registrars for use on the day of election, and the other two lists shall be delivered on the following day to the board of elections, and it shall be the duty of the said board of elections to print and distribute for each ward, respectively, fifty times as many copies of said lists as there are districts in the ward, in pamphlet form, so that each ward pamphlet shall contain the list of the several election districts in each ward. It shall also be the duty of the said board of elections to select and hire all polling places and place them in proper order and condition; to furnish to the various election officers provided for in this title, such registries, maps, books, blanks, instructions and stationery as may be necessary for the proper discharge of their duties.

§ 10. On the Thursday preceding the day of election it shall be the duty of the registrars of each election district to hold a meeting from eight o'clock in the forenoon to eleven o'clock in the afternoon, at the polling place of such district, for revising and correcting the registries of electors, to receive testimony and arrange for challenge at the polls, but no name shall be added to or erased from any registry at such meeting except on certificate from the board of elections, or another board of registrars, as is herein provided. They shall prepare four lists of the names added to the registry of the district upon such certificates, which names shall be entered in such lists under headings as hereinbefore provided for the registries. Such lists shall be known as supplemental registries, two of them shall be retained by the registrars for use on the day of election, and the other two shall be delivered to the board of elections at or before noon of the Friday before the day of election. Such supplemental registry in each district shall be considered and shall be a part of the registry thereof.

§ 11. It shall be the duty of said registrars and said inspectors to act as inspectors of elections in the districts wherein they are appointed, at the next general election after such appointment. They shall together form a board of inspectors of election by appointing, or in case they can not agree, selecting by lot one of their members to be chairman, and shall also designate two of their number at the opening of the polls, who shall check the name of every voter voting in such district

Certification.

Custody of lists.

Printing and distribution.

Polling places, selection of, etc.

Meeting for revision of registries.

Supplemental registries of names added.

Board of inspectors at elections.

Chairman of board, etc.

Right of challenge.	whose name is on the registry, and no vote shall be received at any general election unless the name of the person offering to vote be on the said registry; and any person whose name is on the registry may be challenged, and the same oaths shall be put as are now prescribed by law, and no person shall be permitted to vote at any election in the city of Brooklyn unless his name shall have been duly registered in accordance with the provisions of this title. It shall be their duty to be
Unregistered persons not to vote.	- in constant attendance during the hours allotted for the discharge of their duties. They shall perform all the duties and possess all the powers of inspectors of election in the several towns of this state, as now prescribed by law. The inspectors shall cause the lapse of every hour to be entered upon the margin of the poll-lists, beginning at the opening of the polls and continuing from hour to hour, by noting the hour opposite the name of the respective voter; and causing their chairman to sign his name under each entry, and shall also enter the time of the closing of the polls opposite to the name of the last voter.
Powers and duties of inspectors.	The compensation of the registrars, as registrars, shall be five dollars for each day for six days only, and the compensation of each inspector shall be five dollars, and that of the poll clerks shall be five dollars for the election and five dollars for the canvass, and that of each of the ballot clerks shall be ten dollars, and each canvasser shall receive five dollars for the canvass, and shall be exempt from jury duty for one year thereafter. The registrars and the inspectors of election and canvassers in each election district, while discharging any of the duties imposed upon them by this title, shall have full power and authority, and they are hereby required to preserve order and enforce obedience to their lawful commands at and around the place of registration or election during the day of any registration, revision of registration, election or canvass, estimate or return of votes, to keep the access to such place open and unobstructed, to prevent and suppress riots, tumult, violence, disorder, and all improper practices tending to the intimidation or obstruction of voters, the disturbance or interruption of the work of registration, revision of registration or voting, or the canvass estimate or returns of votes, and to protect the voters, challengers and persons designated to watch the canvass of any ballots from intimidation or violence and the registries, poll-books, boxes and ballots from violence and fraud, and to appoint or deputize, if necessary, one or more electors to communicate their orders and directions and to assist in the enforcement thereof.
Hourly entry, etc., upon lists.	
Compensation of election officers.	
Power to preserve order.	
To prevent riots, intimidation, etc.	
To prevent fraud in canvass, etc.	
Clerks of polls, their duties.	§ 12. The clerks of each poll shall enter upon the poll-list kept by them, in columns prepared for that purpose, first, the residence, number and street of the person voting; second, the name of each person voting; third, his age; fourth, the number on the stub of the ballot received by him and voted; and shall perform such duties as are imposed by law on poll clerks in the city of Brooklyn.
Ballot clerks, their duties.	§ 13. The ballot clerks of each polling place shall receive from the inspectors of such polling place all the official ballots, furnished therefor at the opening of the polls thereof and shall deliver one of each of the ballots to each voter, when so directed by the inspectors, each of which ballots shall have on the stub thereof, the same number, and they shall each write their initials on the stub of each ballot and shall render and deliver to the board of elections the statement required by chapter two hundred and sixty-two of the laws of eighteen hundred and ninety.
Delivery of sealed ballot	§ 14. Upon the closing of the polls and immediately thereafter the board of inspectors shall securely seal the ballot box and the box

containing the unvoted ballots, and each of them, and deliver the same together with the poll-lists and registries of electors to the board of canvassers. boxes, etc., to canvassers.

§ 15. At least fifteen minutes before the closing of the poll the board of canvassers shall meet and organize by electing one of their members chairman; they shall then receive the key of the ballot box and the key of the box containing the unvoted ballots from the police; and it shall be their duty in each election district to attend at the place of holding the poll at the closing thereof; they shall receive from the board of inspectors of election the said ballot-box and box containing the unvoted ballots, poll-lists and registries of electors, and as soon as the poll of any election shall have been finally closed shall canvass and count the votes. Such canvass shall be public, and shall not be adjourned or postponed until it shall have been fully completed; and such canvass shall be commenced, conducted and completed, and the result stated in the manner now provided by law. The ballots, immediately after the same shall be canvassed and counted, shall be placed again by the canvassers in the ballot-box from which they were taken, except such as are attached to the returns of the election; and the canvassers shall place in the ballot-box with the ballots a certificate stating the number of votes cast and the number of votes by them attached to the returns of said election; and said ballot-box, after the tickets shall be so replaced, shall be securely sealed up by the canvassers, and shall then be deposited by them in the department of police, and shall there be kept undisturbed and inviolate until needed at the next election, unless required as evidence in any court of record. If a greater number of ballots shall be found in the box than is required by the corresponding columns of the poll-list, all the ballots shall be replaced in the box, and one of the said canvassers, to be designated by the board, shall, without seeing the same, and with his back to the box, publicly draw out and destroy as many ballots unopened as shall be equal to such excess; but if two or more ballots are so folded together as to present the appearance of a single ballot they shall be destroyed if the whole number of ballots exceed the whole number of votes deposited in the box in which such tickets are found, as shown by the poll lists kept by the poll clerks. Canvassers, organization of boards of.
Canvass of votes.
Ballots to be replaced in box.
Box to be sealed and deposited.
Drawing of ballots in case of excess.
Ballots folded together to be destroyed.

§ 16. The canvassers, when they shall have canvassed all the ballots for the first candidate on the ticket, shall immediately announce the result, and send a written statement thereof, subscribed with their names, to the officer in charge of the police precinct in which the election district is located; and that officer shall immediately transmit the result of such statement to the head of the police department, and so on as the canvass of each successive candidate is completed. Such statement shall contain the total number of votes in such ballot-box, and the number of votes found therein for each and every candidate. The officer receiving such statement shall file it in his office, and it shall be regarded as presumptive evidence for the space of one year, of the facts therein stated, in any court of this state, in any action or proceedings. Announcement and statement of result, on completing canvass of each candidate.

§ 17. Upon the completion of the canvass, the canvassers shall make returns in triplicate, and shall within twenty-four hours deposit them as follows, under a penalty of fifty dollars, to be recovered as provided in the nineteenth section of this title: One copy shall be deposited with the board of elections, and one with the county clerk. The remaining copy shall be deposited with the police department, by whom it shall be at once opened and its contents publicly announced on a Triplicate returns of canvass.
Announcement by police department.

Original
tallies and
poll lists
how filed.

Returns,
how
signed.

Oaths of
office.

Filing
thereof.

Vacancies,
how filled
after open-
ing of
polls.

Penalty for
failure to
file oath or
neglect of
duty.

Penalty for
failure to
deliver
lists, etc.,
to succe-
ssors.

Willful
absence
from duty
or acting

bulletin board. It shall, also, under proper regulations for its safe keeping, be open for the inspection of any candidate. Poll clerks in the several election districts of the city of Brooklyn shall file with the city clerk, county clerk and police board, within twenty-four hours after the completion of the canvass, a copy of their original tallies from which the canvass is made up of the votes cast and counted at the election, signed with their respective names and addresses and indorsed with the number of the election district and ward. The poll lists shall within the same time be filed, one with the board of elections and one with the county clerk. Canvassers shall sign each page of each return, and shall seal the returns before filing them. The canvassers shall immediately after the completion of the canvass, burn without examination the ballots contained in the box of unvoted ballots.

§ 18. Each person who shall be appointed as registrar, poll clerk, ballot clerk, inspector or canvasser of elections in pursuance of the provisions of this title shall, before entering upon the discharge of his duties, take the oath now prescribed by law for registrars, poll clerks, ballot clerks, inspectors and canvassers of election respectively before a member of the board of elections or one of their clerks or assistants, who are hereby authorized to administer such oaths; and the said registrars, poll clerks, ballot clerks, inspectors and canvassers shall file the same with the said board within five days after receiving notice of their appointments, except in case of appointments made to fill vacancies; and in such case each person appointed shall take such oath, and file the same in the office of the board within twenty-four hours after receiving notice of his appointment, and such appointment shall be from the same political party as the person in whose place he was appointed. In case any vacancy occurs among the inspectors or canvassers after the opening of the polls on the day of election, it shall be filled by the remaining member of like political faith of said boards respectively, by appointing some suitable person of the same political faith as the person whose place is to be so filled. And in case of the appointment of an inspector or canvasser to fill a vacancy, after the opening of the polls on election day, as above provided, the chairman of the board of inspectors or the chairman of the board of canvassers, shall administer the usual oath of office to the inspector or canvasser so appointed, before such inspector or canvasser shall enter upon the discharge of his duties.

§ 19. Every person appointed as registrar, poll clerk, ballot clerk, canvasser or inspector of election, failing to take and file the oath of office as hereinbefore provided, or who shall willfully neglect or refuse to discharge the duties of such registrar or canvasser, inspector, poll clerk or ballot clerk, shall, unless excused by the board of elections, be liable to a penalty of one hundred dollars, to be sued for and recovered by said board in any court of record, in the name of the city of Brooklyn, for the use and benefit of the city treasury; and any registrar, inspector, canvasser, poll clerk or ballot clerk who, being removed for any cause, shall fail upon demand to deliver over to his successor the registry list, or any tally sheet, book, paper, memorandum or document relating to the election, so far as he has made it, shall be liable to a like penalty of one hundred dollars, to be recovered in the same manner.

§ 20. Any registrar, inspector or canvasser of elections, poll clerk or ballot clerk, who shall willfully absent himself from his duties shall be guilty of a misdemeanor, and on conviction thereof shall be pun-

ished by imprisonment in the county jail for not less than thirty days and not to exceed sixty days ; and any person knowingly acting as registrar, inspector, poll clerk, ballot clerk or canvasser of elections without the qualifications herein prescribed, shall on conviction thereof be deemed guilty of a misdemeanor and shall be punished in a like manner.

without qualifications, a misdemeanor.

§ 21. Any person who shall knowingly make any false statement to any board of registrars or inspectors shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by imprisonment in the county jail for not less than thirty days and not to exceed three months.

False statements to inspectors.

§ 22. Any registrar who shall register the name of any person knowing him not to be entitled to be so registered, or any person who shall cause his name to be registered in more than one election district, except only to correct a mistake, as herein provided, or who shall cause his name to be registered, knowing that he is not a qualified voter in the district where such registry is made, or who shall falsely personate any registered voter or register or attempt to register, or vote or offer to vote under a false name shall upon conviction, be imprisoned in the state prison for not less than one year nor more than two years.

Illegal or double registry, how punished.

False personation of voter.

§ 23. Any person who shall mingle or attempt to mingle any ballot or ballots that have not been voted with any ballots that have been voted, with intent to prevent a correct canvass, or who shall destroy or remove any ballot that has been voted with like intention, or who shall abstract or in any respect forge, alter or destroy, or make way with any registry, certificate count, tally, statement or return, or any writing required to be kept by this title or by any of the laws of this state, relating to elections, or any officer of elections, or person acting as such, who shall willfully refuse or neglect to deposit in the proper ballot-box any ballot offered to him by any person for that purpose, unless for just cause he immediately return it to such person, or shall falsely count, read or tally any name or names on any ticket that has been voted, or falsely announce the number of tickets or ballots any person has voted, or the result of any canvass ; or shall knowingly deposit in the box ballots offered by persons who are not registered, or shall make any return or statement required by this act, or by any of the laws of this state relating to elections, knowing the same to be untrue, or shall be guilty of any fraud, in the execution of the duties of such office, shall on conviction be punished by imprisonment in a state prison for not less than one or more than three years. The term "officers of election," used in this section shall apply to and embrace registrars, inspectors, canvassers, poll clerks and ballot clerks, and all persons who shall act in either of such capacities.

Prevention of correct canvass, alteration of returns, fraud in receiving or counting votes, etc., how punished.

Term "officers of election," defined.

§ 24. No person shall be appointed as registrar, inspector of elections, canvasser, poll clerk or ballot clerk unless he shall be at the time of his appointment a qualified voter in, and resident of the ward containing the election district for which he may be appointed, and able to read, write and speak the English language. And no person shall be so appointed who shall hold at the time of appointment any public office or place of public trust (except that of a notary public or commissioner of deeds, or a registrar, inspector, canvasser, poll clerk or ballot clerk under this title), whether elected or appointed thereto, or who shall be at such time employed in any public office, or by any public officer, whose services are paid for out of the public moneys, or who shall be a candidate for any public office at the election for which he is to serve. And any person appointed as such registrar, inspector, Accept-

Qualifications of officers of election.

Ineligibility to office.

ance of
either
office, can-
didacy,
etc., to
create
vacancy.

poll clerk, ballot clerk or canvasser who shall be appointed or elected to, or accept or become a candidate for such public office or such employment therein, or by any public officer aforesaid, shall immediately thereupon cease to be such registrar, inspector, poll clerk, ballot clerk or canvasser, and the place of such registrar, inspector, poll clerk, ballot clerk or canvasser shall thereupon be filled by the said members of the board of elections as hereinbefore provided for the filling of vacancies by said members of the board of elections respectively.

Officers of
election
not to act
as ballot
distribu-
ters.

§ 25. It shall be unlawful for any registrar, inspector, canvasser or poll clerk to distribute or offer to distribute, or give out any ballots, ticket or vote to any person during the time the polls shall be open with the intent or for the purpose that the same shall or may be voted; or to have in his possession or within his control any ballot or ballots, ticket or tickets, vote or votes, except in the lawful discharge of his duty as prescribed by this title; and by chapter two hundred and sixty-two, of the laws of eighteen hundred and ninety; provided, however, that nothing herein contained shall be deemed to prohibit such officer from lawfully exercising his individual right to vote. No canvasser shall, during any portion of the canvass of the votes, have in his possession or within his control, any ballot, ticket or votes, except in the lawful discharge of his duty as prescribed in this title. Each voter shall be admitted into the room where the votes are received when he deposits his ballot, and the ballot-box to be so placed that it and its contents shall be visible at all times during the day and until the counting of the ballots shall be completed, to any persons who are voting, and to those who are watching the voting and the counting of the ballots. Any person convicted of a violation of any of the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment in the county jail for not less than three, nor more than twelve months.

Voting and
canvass,
how con-
ducted.

Violation
hereof, a
misdemeanor.

Salaries,
election
expenses,
etc., a city
charge.

§ 26. The salaries of said board of elections and their clerks, and the necessary expenses of said board and the legal compensation of all registrars, inspectors and canvassers of election, poll clerks and ballot clerks; the cost and expenses of all necessary election notices, posters, maps, advertisements, registries, books, pamphlets, blanks, official and sample ballots and stationery, the rent and cost of fitting up, warming, lighting, cleaning, and safe-keeping of all places of registration, revision of registration, and polling places, the building, care of and repairing of voting booths and buildings for registering and polling places, together with guard rails and all furniture appertaining thereto, of furnishing, repairing, storing and carting ballot boxes, buildings, booths, guard rails and furniture, and all supplies of every kind and nature for all elections in the city of Brooklyn, and insurance to such an amount as to the said board may seem just on buildings, booths, ballot boxes and furniture, shall be a city charge and shall, upon proper certificate and vouchers, after being audited by the auditor of the city of Brooklyn, be paid by the comptroller of said city. Said board of elections may make requisitions on the comptroller for such sums as shall be necessary for such payments. Each commissioner of elections shall be paid for his services at the rate of four thousand dollars a year, and the clerks shall receive a salary to be fixed by the board at a rate not exceeding two thousand dollars a year.

How audit-
ed and
paid.

Salary of
commissioners and
clerks.

Taking
into, or use
of spiritu-
ous liq-
uors, etc.,
at polling

§ 27. Whoever during the sitting of any board of registrars, inspectors, or canvassers of elections in any election district in the city of Brooklyn, whether held for the purpose of registration, revision of registration, reception or canvass of votes, or of making returns thereof

shall bring, take, order or send into, or shall cause to be taken, brought, ordered or sent into, or shall attempt to bring, take or send into any place of registration, or revision of registration, or of election, any distilled or spirituous liquors whatever, or shall at any such time and place drink or partake of such liquors, shall be deemed guilty of a misdemeanor.

places, a
misdemeanor.

§ 28. On the Monday, Tuesday, Wednesday and Thursday of the week immediately preceding any general election the board of elections shall be in session at their rooms from nine o'clock in the forenoon until nine o'clock in the afternoon of each of such days, at each of which sessions at least two members of the board, being of different political faith and opinion, shall be present. At any such session of the board any naturalized citizen who may have been naturalized on any day subsequent to the last day of registration and ten days before the day of election, or who has failed to register because of the error or mistake of any board of registrars, may appear before said board of elections and make application for a registration certificate. Every such applicant shall make an affidavit before one of the commissioners of election, they being hereby authorized to administer such oaths, wherein he shall set forth his name, his residence, his age, the length of time of his residence in the state, the county, and the election district in which he desires to be registered, the date of his naturalization if a naturalized citizen, and the reasons of his having failed to register; and in addition to such facts, he shall answer such questions in relation thereto as either commissioner may ask, and such answers, if so required by either commissioner, shall be included in such affidavit. If from such affidavit it appears that the applicant is or on the day of election will be a duly qualified voter and is entitled to be registered, and has failed to register for the reasons hereinbefore set forth, any two commissioners of elections, being of different political faith and opinion may grant and give to him a registration certificate. Every such registration certificate shall be addressed to the registrars of the election district wherein the applicant is entitled to be registered, and shall state the applicant's name, residence, age, and the length of time of his residence in the state, county and the election district, and shall direct the said registrars to register the person named therein upon presentation to them by him in person of such certificate, and shall be signed by each of the commissioners granting the same. Upon such personal presentation of any such registration certificate to the registrars of the proper election district, at their meeting on the Thursday preceding the day of election, they shall register the person named therein, and enter his name in the supplemental registry as hereinbefore provided.

meetings
of board of
elections.

Applica-
tion of
newly
naturalized
citizens for
registra-
tion certifi-
cates.

Power of
board to
grant reg-
istration
certifi-
cates.

Duty of
registrars
receiving
such cer-
tificates.

§ 29. The board of elections shall keep an alphabetical list of the names of all persons to whom registration certificates are given, in which list shall be stated, opposite each name, the date of the certificate, the number of the ward and the election district to which directed, and the names or initials of the commissioners granting the same. Every such registration certificate, upon which the person named therein has been registered, shall be retained by the registrars receiving the same, and by them returned to the board of elections on the Friday preceding the day of election, and such certificate shall be preserved by the board of elections at least one year.

List of
registra-
tion certifi-
cates to be
kept.

Return
thereof to
board of
elections.

§ 30. It shall be the duty of the board of elections to publish the several notices and advertisements in relation to any election which

Election
and regis-
try notices.

how published.

Special elections, registries for, meeting to revise and correct.

are now required by law to be published by any official or board in the city of Brooklyn.

§ 31. If any special election shall be ordered in the city of Brooklyn, it shall be the duty of the board of registry, within the district in which such special election is to be held, to meet on the Tuesday preceding such special election, from eight in the forenoon to eleven o'clock in the evening, for the purpose of revising and correcting the registries. And at such meeting they may add to the registries the names of all unregistered persons who would be entitled to vote at such special election, as provided in the ninth section of this title, each in his proper district and on proper certificate, as provided for in section seven of this title, the names of any persons who have changed their residence since the previous registry.

Certificate of service of election officers.

§ 32. The chairman of each board of registrars, inspectors and canvassers shall, within twenty-four hours after any election, furnish to the board of elections, under his hand, a certificate stating the days of actual service of each member of such board under this title; and the chairman of the board of canvassers shall also furnish to each canvasser a certificate of his services as such canvasser, which shall entitle him to exemption from jury service for a period of one year from its date. If his certificate shall be willfully false, he shall be liable to a penalty of one hundred dollars.

Powers of appointment devolved upon two members, when exercised by one.

§ 33. The powers of appointment hereinbefore given to, and any duty required to be performed by, the two members of said board of elections of like political faith and opinion shall vest in and be exercised by one of said two members, in case of the death, resignation or other inability to serve, of his colleague in political faith and opinion.

§ 34. All acts and parts of acts inconsistent with this act, so far as the same are applicable to the city of Brooklyn, are hereby repealed.

§ 35. This act shall take effect immediately.

CHAP. 237.

AN ACT to amend chapter one hundred and thirty-six of the laws of eighteen hundred and sixty-eight, entitled "An act to incorporate the village of Cobleskill, Schoharie county," and the several acts amendatory thereof, and to authorize the board of trustees to give a notice and hearing to property owners and corporations assessed for benefits by reason of the laying out, opening or extension of streets or roads, for sidewalks, and other improvements in said village, and also conferring additional powers and authority on the board of trustees of said village.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 22, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Village charter amended.

SECTION 1. Section one of title four of chapter one hundred and thirty-six of the laws of eighteen hundred and sixty-eight, entitled "An act to incorporate the village of Cobleskill, Schoharie county," is hereby amended so as to read as follows:

Opening,

§ 1. The board of trustees or a majority of them, shall have power

to lay out, open, make and grade any new road, avenue or street, or to close any old road, avenue or street in the village, upon the written application of twelve freeholders, residents of said village. If, in pursuance of said application, the board of trustees shall determine to make the improvement thereby requested, and the owners of all the lands required for such purpose shall not voluntarily cede the same to the corporation for such use, and the trustees shall fail to obtain said land by agreement with the parties interested, the county court of Schoharie county shall, upon the application of said board of trustees, at chambers or special term, appoint three disinterested persons not inhabitants of the said village of Cobleskill, as commissioners to appraise the damages of the owner or owners of the lands to be taken for any such purpose. Previous notice of such application shall be given to the owners of said land, or their tenants or agents, at least eight days before such application. The commissioners so appointed shall, having first caused at least eight days' previous written notice to be given to such land owners and others interested, then proceed to view and examine the road, avenue or street to be laid out, opened, widened or altered, the lands to be taken for that purpose, and to hear the trustees, owners of land through which the road passes, and all persons interested in the proposed improvements; they shall make a just appraisal of the damages which each owner of the land to be taken will sustain thereby; they shall report, in writing, their appraisal of the damages, and shall therein sufficiently describe each piece or parcel of land to be taken, and the estimated value of the same, respectively, and shall distinctly state the damages awarded to each owner of land taken, as far as the same can be ascertained; which report shall be subscribed by the commissioners, or two of them, and be filed with the clerk of the board of trustees, and be open to the inspection of all interested therein. Immediately upon so filing the same, the commissioners shall cause notice thereof to be given, by publishing such notice in one or more of the newspapers of the village, if any, once in each week for two weeks consecutively, and by posting the same in six or more public and conspicuous places in the village; which notice shall state that such report is on file with and may be examined on application to the clerk of the board of trustees, and that the commissioners will attend, at a time and place to be specified in such notice, not less than fourteen days from the posting of such notices, to hear any person objecting to such appraisal. The commissioners shall meet at the time and place so specified, to hear or receive any objections, oral or written, which may be offered to such appraisal. If any objection shall be made to the same, they shall review such appraisal and may make any such alteration therein as they may deem just. The commissioners shall thereupon cause notice to be posted and published in the manner above specified, that such appraisal has been finally settled by them, has been filed with, and may be examined on application to the clerk of the board of trustees. Within twenty days after the posting of such last mentioned notices, any person or corporation conceiving himself or itself aggrieved by such report, may appeal therefrom to the county court of Schoharie county, giving written notice of such appeal to the president or clerk of the board of trustees. Upon such appeal, the county court shall examine such report, and may affirm, alter or correct the same as shall be just. The decision of such court in the matter of such appraisal, shall be final and conclusive. If no objection to such appraisal shall have been made to the commissioners, or in case there be

etc.,
of roads or
streets
upon ap-
plication.

Applica-
tion for
commis-
sioners of
estimate.

Notice
thereof.

Duties of
commis-
sioners.

Report.

Notice of
filing there-
of and of
meeting to
hear ob-
jections.

Review of
appraise-
ment.

Notice of
final settle-
ment.

Appeals to
county
court.

Land, when
vested in
village.

no appeal in the time allowed, or when upon appeal the report shall be established by the county court, that part of the land of any owner so required to be taken for such improvement shall vest in the corporation, and the board of trustees shall forthwith proceed to appraise and estimate the benefits which any person or persons, party or parties, or corporations owning property in said village may derive from the construction and opening, widening or grading of said road, avenue or street. They shall make a report in writing, therein sufficiently describing each piece or parcel of land benefited by such improvement, and also specifying the names of the persons or parties assessed for benefits, and the amount assessed upon each person or party or corporation so named. They shall also make an estimate of the probable expense of opening and properly grading said road, and shall state the amount thereof in such report, and the proportion of this amount which should be collected by a general tax upon the taxable inhabitants of said village, if any, and how much to be assessed as benefits upon the person or persons, or corporations benefited by said improvement. The said written report shall be filed with the clerk of the board of trustees, and said board of trustees shall give notice to the person or persons, party or parties, or corporations so assessed by publication of such notice, for two successive weeks, in one or more of the newspapers published in the village, if any, and by posting the same in six or more public and conspicuous places in the village, to the effect that such assessment has been made, is on file with the clerk of the board of trustees, and may be seen by any one interested in application to said clerk; and that the board of trustees will meet at a time and place to be specified in such notice, not less than fourteen days from the posting of such notices, to hear any and all objections to such assessments upon the part of any person or persons, party or parties, or corporations so assessed; the board of trustees shall meet at the time and place mentioned in such notice, and hear any and all objections to such assessment, and for that purpose, may adjourn such meeting from time to time. After the hearing of all objections that may be presented, pursuant to such notice, the board of trustees shall, within fifteen days of the last hearing, correct, alter, change or modify the assessment of any person or persons, party or parties or corporations as the board shall deem just and proper, and shall then forthwith proceed to levy the several assessments for benefit or for benefit over damage, and for which purpose, after the lapse of the time allowed for payment, and for posting and publication of the notice as prescribed in section three of this title, the board of trustees shall issue to the collector of the village a warrant for the collection thereof, sealed with their corporate seal, and subscribed by the president, and countersigned by the clerk of the board. The collector shall proceed to collect such assessments and taxes in the same manner as other taxes are collected. Out of the assessments thus collected or from other moneys in the general fund applicable to village expenses, the board of trustees shall pay to each owner of the land taken for such improvement, or to their treasurer for his use, the amount of damages awarded to such owner, and the land shall then vest in the corporation. When an award of damages for land required to be taken for any such improvement shall be made to an unknown owner, the treasurer shall not pay over the same until the claimant shall have exhibited to the board of trustees evidence satisfactory to them that he is entitled to the same as such owner, or upon the order of the county court of Schoharie county, upon application by the claimant to said court after twenty

Appraisal of benefits by trustees.

Report.

Estimate of expense.

Notice of assessment.

Hearing of objections and correction of assessments.

Levy and collection of assessments.

Payment of awards.

How made to unknown owners.

days' previous written notice thereof to the trustees, and the publication of a similar notice for four weeks successively, once in each week, in all the newspapers, if any, printed in the village of Cobleskill, such respective notices setting forth the amount of the award, and describing the premises for which the same was awarded, the said court being satisfied of the validity of such claim as owner; and the court, if it shall deem it expedient may order a reference to some suitable person to inquire into and report to the court upon the validity of such claim; and for the purpose of hearing and determining the same, the said court may, at any time, hold a special term at any place in the county. Before entering upon their duties, the commissioners shall be sworn or affirmed before some officer authorized to administer oath faithfully and impartially to execute their duties as such commissioners according to the best of their ability. They shall each be entitled to a reasonable compensation for his services, not exceeding three dollars for each day they shall respectively be actually and necessarily employed in the performance of their duty; such compensation, and the fees of attorney and counsel, and the charges of surveyors and other expenses necessarily incurred, to be estimated and included as part of the expenses of such improvement. The costs and fees of attorneys and counsel in any such proceeding, shall not exceed two hundred and fifty dollars, exclusive of costs, on appeal. Where, by reason of interest or otherwise, the county judge of Schoharie county, shall be incapacitated, he shall certify that fact in writing, and thereupon the same jurisdiction shall vest in the supreme court, as is hereby given to the county court.

Oath of commissioners.

Compensation.

Expenses, certain, included in improvement.

Jurisdiction, when vested in supreme court.

§ 2. Section five of title four of said act is hereby amended so as to read as follows:

§ 5. The expense of grading any road, avenue or street, shall be defrayed by owners of the adjoining lands, in proportion to the extent of their respective lands bounding thereon; and by such other person or persons, or corporations, as may be specially benefited by such improvement, in proportion to the benefit which they may respectively be deemed to derive therefrom. Two-thirds of the expense of curbing, guttering or flagging any sidewalk of any public road, avenue and street in the village, shall be defrayed by the owners of the land to and in front of which any such improvement shall be made, and the other one-third thereof by the corporation. The expense of establishing and constructing any well, pump, sewer and drain, and also of any cistern or reservoir, for use in the extinguishment of fire, in any road, avenue, street or public place in the village, shall be borne and defrayed by the owners of all lands in the vicinity of any such well, pump, sewer and drain, cistern and reservoir, that shall be deemed benefited thereby, in proportion to the benefit which each shall be deemed benefited thereby, and for the purpose of defraying the expenses of any improvement specified in this section, the trustees may make and enforce the collection of an assessment for that purpose in the manner authorized by the first section of this title, as amended by this act.

Expense of grading, how defrayed.

Sidewalk improvements.

Wells, sewers, reservoirs, etc.

Assessments for purposes herein.

§ 3. Title four of said act is hereby amended by adding the following additional sections thereto, to be known and numbered as sections six, seven and eight:

§ 6. The board of trustees, or a majority of them shall have power to compel the owners of lands or lots, in front of and adjoining which in the discretion of and determination by said board of trustees, a sidewalk is necessary to be made, to make such sidewalk in front of or ad-

Power to compel sidewalks to be made.

Trustees may cause same to be made.

Expense, how assessed and collected.

Improvements, making of certain, upon petition.

Cost and expense, how defrayed.

Value of property.

Trustees to decide upon improvements.

Supervision of work and repairs upon completion.

joining such lands or lot, to determine and prescribe the manner of making and laying the same, and the material to be used therein, and the quality or kind of such material; and in case the owner or owners of any such lands or lots shall neglect or refuse to make or complete the said required improvement, within such reasonable time as shall be required by said board of trustees, the said trustees may cause such improvement to be made or completed, and if flagging is used then two-thirds, if other material, the whole of the cost and expense thereof shall be assessed on such owner or owners, such assessment to be made and collected in the manner authorized by the first section of this title, as amended by this act.

§ 7. Whenever a majority of the property owners representing a majority of the taxable property upon any public street, shall by petition request the construction of a public sewer or drain, or the grading of said street, or of the sidewalks thereon, or of any part thereof, the trustees may, at their earliest convenience consistent with the public good, cause such improvement or improvements to be made. Whenever a majority of the property owners representing a majority of the taxable property on either side of a public street, by petition request the making of a sidewalk on such side thereof, the same or any portion thereof, shall, if approved by the trustees, be made and laid by them as soon as practicable. The cost and expense of any improvement specified in this section shall, in the proportion as prescribed in section five of this title, be defrayed by an assessment on such owner or owners, to be made and collected in the manner authorized by the first section of this title, as amended by this act. The value of property represented on all such petitions to be determined from the last preceding assessment-roll of said village.

§ 8. Hereafter the board of trustees shall decide when and where all public improvements shall be made, and all work on streets, side and cross walks, grades and grading, sewers, drains and all public works, shall be done by and under the direction and supervision of the board of trustees, and when once completed, shall each and all be kept in repair by the corporation at the public expense.

§ 4. This act shall take effect immediately.

CHAP. 238.

AN ACT authorizing the construction and enlargement of the culverts under the Erie canal, one west of Smith street, and the other east of and near Gordon's mill and sash factory in the village of Brockport, and making an appropriation therefor.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 23, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Construction and enlargement of culverts.

SECTION 1. The superintendent of public works is hereby authorized to reconstruct and enlarge, or cause to be reconstructed and enlarged, as soon as practicable after the passage of this act, the culverts under the Erie canal, one west of Smith street, and the other east of and near Gordon's mill and sash factory, in the village of Brockport, the cost of the reconstruction and enlargement of said culverts not to ex-

ceed the sum of ten thousand dollars to be paid from any moneys in the treasury not otherwise appropriated, and the said sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purpose aforesaid, and the treasurer is hereby directed to pay the above amount, upon the warrant of the comptroller, to the order of the superintendent of public works for the purposes aforesaid. All the work shall be done by contract and let to the lowest responsible bidder, after due notice shall have been published for at least once a week for three consecutive weeks in two papers published in the cities of Buffalo, Rochester and Albany, respectively.

Appropriation.

Contracts for work.

§ 2. This act shall take effect immediately.

CHAP. 239.

AN ACT to provide for the construction of a new bridge over the Erie canal on the line of Nineteenth street in the village of West Troy, and for the removal of the present approaches, and making an appropriation therefor.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 22, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The superintendent of public works is authorized upon plans to be prepared by the state engineer and surveyor, to cause to be constructed upon piers suitable for a grade crossing over the Erie canal at Nineteenth street, an iron lift or hoist bridge, to be operated by water power, in place of the present elevated bridge at such street ; the present bridge and approaches to be removed, and said new bridge shall, on completion, be operated under the direction of the superintendent of public works, but at the expense of the town of Watervliet, and the said town of Watervliet is hereby directed to pay the operating expenses thereof.

Construction of bridge and removal of approaches.

Bridge, how operated.

§ 2. The state treasurer shall pay out of the general fund, to the superintendent of public works, on the warrant of the comptroller, the sum of fourteen thousand dollars, or so much thereof as may be necessary for the construction and equipment of the said bridge and the removal of the present bridge and the approaches thereto, and the aforesaid sum is hereby appropriated for that purpose. But no work shall be done or money expended under the provisions of this act, except upon a contract duly made and entered into by and between the superintendent of public works, and the contractor or contractors doing the same ; and such contract shall be let to the lowest responsible bidder, after due advertisement therefor, who in the judgment of the superintendent of public works, will carry out the provisions of this act.

Appropriation.

Contract for work.

§ 3. This act shall take effect immediately.

CHAP. 240.

AN ACT to authorize the continuance and the completion of the work and making an appropriation therefor, authorized to be done by chapter two hundred and fifty-one of the laws of eighteen hundred and ninety, entitled "An act to authorize the repairing of the damage to a public highway, leading from the village of Lowville to the bridge over Black river, known as Beache's bridge, in the county of Lewis, caused by the overflow of said river by reason of the state dam thereon, and to so alter said highway as to prevent future damage from said cause, and making an appropriation therefor."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 22, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. The sum of fifteen hundred dollars, or so much thereof as may be necessary, is hereby appropriated, and to be paid by the state treasurer out of any money not otherwise appropriated, for the purpose of the continuance, and the completion of the work authorized to be done by chapter two hundred and fifty-one of the laws of eighteen hundred and ninety, entitled "An act to authorize the repairing of the damage to a public highway leading from the village of Lowville to the bridge over Black river, known as Beache's bridge, in the county of Lewis, caused by the overflow of said river, by reason of the state dam thereon, and to so alter said highway as to prevent future damage from said cause, and making an appropriation therefor."

Work, how done, etc.

§ 2. The said work is hereby authorized to be done under the direction of the superintendent of public works, and the money hereby appropriated shall be paid on the warrant of the comptroller, to the order of the said superintendent of public works.

§ 3. This act shall take effect immediately.

CHAP. 241.

AN ACT to provide for the building of sidewalks to be attached to a bridge crossing the Erie canal at Depeyster street, in the city of Rome, New York.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 22, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. The sum of ten hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the purpose of building sidewalks to be attached to and form part of a bridge crossing the Erie canal at Depeyster street in the city of Rome, New York.

§ 2. The superintendent of public works is hereby authorized to construct suitable sidewalks to be attached to and form part of said bridge and to have the same completed on or before October first, eighteen hundred and ninety-one. Duty of supt. of public works.

§ 3. The moneys hereby appropriated shall be paid to the superintendent of public works by the treasurer on warrant of the comptroller. Appropriation, how payable.

§ 4. This act shall take effect immediately.

CHAP. 242.

AN ACT to authorize the city of Buffalo to issue its bonds for the purpose of purchasing school lots, and erecting, enlarging, repairing and furnishing school buildings.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 22, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for the city of Buffalo to borrow a sum of money not exceeding one hundred and fifty thousand dollars, for the purpose of purchasing school lots and erecting, enlarging, repairing and furnishing school buildings, and for the purpose of borrowing such money to issue the bonds of said city bearing interest at a rate not exceeding three and one-half per centum per annum, payable semi-annually at the office of the comptroller of the city of Buffalo or at the Gallatin National Bank in the city of New York as the purchaser may elect, the principal to be payable at the same place twenty years from and after the date thereof. Such bonds may be issued from time to time as may be ordered by the common council, by the mayor and comptroller under the city seal. The comptroller shall advertise from time to time as may be necessary five days in the official paper of said city for proposals for the purchase of such bonds as shall be ordered issued hereunder by the common council, and shall award the same to the party or parties whose proposals shall be most favorable to the city, but no such bonds shall be sold for less than the par value thereof and accrued interest thereon. The common council shall make provision for the payment of the interest on and principal of said bonds as the same shall become due, in the general fund estimates for said city. Issue of bonds authorized. Interest and principal, when payable. Proposals for purchase. Award. Provision for payment of interest and principal.

§ 2. This act shall take effect immediately.

CHAP. 243.

AN ACT to amend chapter four hundred and ninety-two of the laws of eighteen hundred and eighty-nine, entitled "An act to establish a state naval militia."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 22, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections four and six of chapter four hundred and ninety-two of the laws of eighteen hundred and eighty-nine, entitled "An act to establish a state naval militia," are hereby amended so as to read as follows:

Battalions. § 4. Each battalion of naval reserve artillery shall be commanded by a lieutenant commander, and shall consist of four batteries. To each battery, there shall be one lieutenant, one lieutenant, junior grade, two ensigns, one bugler and thirty-five petty officers and men as a minimum, and eighty petty officers and men as a maximum.

Battery officers and men. § 6. To each battalion of the naval militia shall be appointed a staff consisting of one adjutant, one ordnance officer, one paymaster, and one surgeon, each with the rank of lieutenant, junior grade, and one assistant surgeon with the rank of ensign.

§ 2. This act shall take effect immediately.

CHAP. 244.

AN ACT to legalize the action of the trustees of the Associate Reformed Church of the village of Andes, Delaware county, and of such church in changing its name and assuming the name of the United Presbyterian Church of Andes, New York, and the acts of the trustees of such church heretofore done and all proceedings had by it under the name of the United Presbyterian Church of Andes, New York.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 22, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Action of trustees legalized. SECTION 1. The action of the trustees of the Associate Reformed Church, of the village of Andes, Delaware county, New York, and of such church in changing the name of such church to the name of the United Presbyterian Church of Andes, New York, and in assuming the corporate name of the United Presbyterian Church of Andes is hereby ratified, legalized and confirmed and the corporate name of such church shall hereafter be that of the United Presbyterian Church of Andes, New York, and the persons now acting as trustees of such church by whatever name designated, are hereby declared to be the lawful trustees of such church until their successors shall have been duly chosen or elected.

Corporate name of church. § 2. All deeds or other conveyances of real estate heretofore made

Deeds or

to any persons acting or assuming to act as trustees of the United Presbyterian Church of Andes, New York, are hereby declared to be as valid and effectual as if such persons, at the time the same were made, had been duly elected and acting as trustees of the Associate Reformed Church of the village of Andes, and to vest in them as such trustees the title to the real estate conveyed thereby; and all deeds or other conveyances of real estate heretofore made by any persons acting or assuming to act as trustees of the said trustees of the Associate Reformed Church of the village of Andes, or congregation, are hereby declared to be as valid and effectual as if said persons, at the time the same were made, had been duly elected and acting as trustees of the said Associate Reformed Church of Andes, New York.

conveyances, declared valid.

§ 3. All acts performed as corporate acts by the said the trustees of the Associate Reformed Church of the village of Andes, under the aforesaid name of the United Presbyterian Church of Andes, New York, since the first day of June, eighteen hundred and fifty-eight, which would have been lawful and valid if the said church had been duly incorporated at the time such acts were performed under the name of the United Presbyterian Church of Andes, New York, are hereby ratified and confirmed, and declared to have the same validity and effect in all respects that they would have had if the said church had been duly incorporated at the time when those acts were performed under the name of the United Presbyterian Church of Andes, New York.

Corporate acts confirmed.

§ 4. Nothing in this act shall affect any suit or proceedings now pending.

Proviso.

§ 5. This act shall take effect immediately.

CHAP. 245.

AN ACT to amend chapter five hundred and eighty-three of the laws of eighteen hundred and eighty-eight, entitled "An act to revise and combine in a single act all existing special and local laws affecting public interests in the city of Brooklyn." in relation to the board of health.

APPROVED by the Governor April 22, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twelve of title twelve of chapter five hundred and eighty-three of the laws of eighteen hundred and eighty-eight, is hereby amended so as to read as follows:

City charter amended.

§ 12. The mayor with the commissioner of the department of health and the commissioner of the department of city works of the city of Brooklyn, are hereby constituted a commission, with power and authority by this act, to select a site in or near the city of Brooklyn, county of Kings, for the erection of public hospitals for the reception and treatment of persons suffering from infectious or contagious diseases. After such a site has been selected as aforesaid, it shall be purchased at a fair market value or leased by said commissioners. And the said commission is thereupon and they are hereby authorized to apply to the supreme court, at a special term thereof, to be held in the county of Kings for the appointment of three commissioners to ascertain

Commission to select site for hospitals for infectious diseases.

Application for commission.

ers of appraisal.	and appraise the amount of damage, if any, which may be done to any property or interests therein by reason of the occupation of said public hospitals by the persons suffering from infectious or contagious diseases.
Oath of commissioners.	Said commissioners so appointed shall meet immediately after their appointment and shall be sworn before some officer authorized to administer oaths, faithfully and impartially to perform the duties which shall devolve upon them by virtue of said appointment, and shall then proceed with all reasonable diligence to ascertain and appraise the amount of damage, if any, as aforesaid. They shall give public notice to all parties interested of the time, place and object of their meeting by a notice published in the corporation newspapers of the city of Brooklyn for ten days successively, and shall at said meeting and from time to time as they shall determine, hear all persons interested in said matters and shall take such testimony as may be offered on behalf of said interested persons on behalf of the city of Brooklyn as to the damage to property and interests therein which may be done thereto by reason of the occupation and use of said public hospitals by persons suffering from infectious or contagious diseases. Any maps, diagrams or plans which may be required by said commissioners in the performance of their duties shall be furnished, upon their request, by the commissioner of city works of said city of Brooklyn. The said commissioners shall prepare a report setting out in detail their conclusions accompanied with a map showing the location of the property affected, and a tabular statement of the amounts awarded, the interest affected and the persons entitled to awards. Said report shall be presented to the supreme court at a special term thereof on any day upon a notice published in the corporation newspapers for ten days successively and, that said report be presented to said court for confirmation. The said court shall hear any objections to said report or any part thereof, and may either confirm the same or send it back to the commissioners of estimate, who shall thereupon reconsider the same and again report the result to the said court and their said report shall again be presented to said court for confirmation upon a similar notice as heretofore provided for. Said court shall again hear objections and may confirm the same or send the same back as before provided. If the said report is confirmed, said confirmation shall be final and conclusive, but the same shall be sent back and reconsidered as often as said court may deem necessary. The city of Brooklyn shall pay to each commissioner the sum of five dollars per day, for every day necessarily spent by him in the performance of his duty under this section. Upon the taking of the oath by said commissioners, as herein provided, the city of Brooklyn is authorized to enter upon and use the said public hospitals for the purposes provided for in this section. The board of estimate of the city of Brooklyn is hereby authorized to include from year to year in its annual report, the sum or sums necessary for the purchase or lease of said site for the erection and maintenance of said public hospitals and for the payment of the damages ascertained to be done to the property and interests therein, by reason of the use and occupation of said public hospitals for the purposes mentioned in this section, and the sum or sums so reported shall be included in the annual tax levies of said city. Any money which may be required for immediate use for any of the purposes aforesaid, or for the payment of the commissioners, or other expenses incurred in carrying out the provisions of this section may be raised by the issue of tax certificates as other tax certificates are issued in said city, the payment of which shall be provided for in the next annual budget. After such site
Their duties.	
Maps to be furnished.	
Report.	
Confirmation thereof, by court.	
Compensation.	
Entry upon property.	
Funds for site, awards etc., how provided	
Tax certificates may issue.	
When prop-	

has been selected as aforesaid either by purchase or lease, and whenever funds have been provided in the manner aforesaid, the said commissioners are empowered by this act to take such property by purchase or lease in the name of the city of Brooklyn, after the corporation counsel shall have approved the validity of the title to the same. The management of said hospitals shall be under the direction and control of the commissioner of the department of health in the city of Brooklyn. The said commissioner of the department of health of the city of Brooklyn shall make rules and regulations for the conduct and government of said hospitals. He shall appoint all physicians who shall be doctors of medicine, holding degrees from medical colleges in good standing. He shall appoint such employes, nurses and servants as may be necessary and determine their salaries, and shall regulate the scale of prices for those who are able to pay for admission and treatment. But no person having any infectious or contagious disease shall be refused admission to these hospitals because of his or her inability to pay. The commissioner of the department of health is hereby authorized to cause to be removed to these hospitals any person or persons afflicted with contagious or infectious diseases whose house and sanitary surroundings are not satisfactory to the said commissioner. All moneys received from patients treated in these hospitals shall be paid into the city treasury.

erty may be taken.

Hospitals, management of, etc.

Admission thereto.

Removal of persons to hospitals.

Receipts from patients.

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

CHAP. 246

AN ACT in relation to the acquisition of land for public parks by the city of Brooklyn, and to provide the means of payment there for.

APPROVED by the Governor April 22, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The mayor, comptroller and the city clerk of the city of Brooklyn are hereby authorized from time to time to prepare and issue bonds of said city, to be called "park purchase bonds of the city of Brooklyn," signed, sealed and countersigned in the same manner as other bonds of said city, and bearing interest at a rate not to exceed three per centum per annum, payable semi-annually. The said bonds shall be issued so as to aggregate not more than five hundred thousand dollars, and they shall be issued as nearly as may be in separate series of one hundred thousand dollars respectively, and so as to fall due and become payable in not less than twenty years and not more than twenty-five years from their respective dates. The proceeds received from the sale of said bonds shall be paid into the city treasury to the credit of a fund, to be known as "the park purchase fund," to be expended from time to time as may be required, and in accordance with the second section of this act.

Park purchase bonds, issue of, etc.

Park purchase fund.

§ 2. With the express specific assent of the mayor, the Brooklyn park commissioners, on behalf of the city of Brooklyn, are hereby authorized from time to time to select and to locate such land or lands

Selection and purchase of lands.

Proceed-
ings for
acquiring
title.

Proceeds
of bonds,
how ap-
plied.
Moneys,
how paid
out.

Repeal.

as may in their opinion be proper and desirable to be set apart for and to be used as a public park or as public parks, and to purchase, to acquire, to hold and to improve the same for such park purposes. If the said Brooklyn park commissioners shall be unable to agree for any reason with the owner or owners of any real estate required for such purposes aforesaid for the purchase thereof, they shall have the right to acquire the same in the manner and by the like proceedings as are authorized and provided by chapter twenty-three of the New York Code of Civil Procedure, and all other acts amendatory thereof or in addition thereto, and for that purpose such act shall be construed as applicable to the said the Brooklyn park commissioners, as far as may be in like manner as if the same were named therein, and such modifications may be made in the formal part of any proceedings in order that the same may apply to the said commissioners, as shall be approved of by the supreme court, and the said court may make such orders and regulations as to the mode and manner of conducting the proceedings and all things relative thereto so as to effectuate and make the same valid for acquiring said lands. The proceeds of the sale of said bonds authorized by section one of this act shall be used solely for the payment of said lands and the permanent improvement thereof for public park purposes, and the said moneys shall be paid out for such purposes from time to time as shall be required upon the requisition of the said park commissioners with the written approval of the said mayor.

§ 3. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 4. This act shall take effect immediately.

CHAP. 247.

AN ACT to amend section forty-seven of title fifteen of chapter five hundred and eighty-three of the laws of eighteen hundred and eighty-eight, entitled "An act to revise and combine in a single act all existing, special and local laws affecting public interests in the city of Brooklyn," in relation to contracts for cleaning streets and removing ashes therefrom in said city.

APPROVED by the Governor April 23, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

City
charter
amended.

Street
cleaning
and re-
moval of
ashes, esti-
mates for.

Contracts
therefor.

SECTION 1. Section forty-seven of title fifteen of chapter five hundred and eighty-three of the laws of eighteen hundred and eighty-eight is hereby amended so as to read as follows:

§ 47. The board of estimate for the county of Kings and city of Brooklyn shall, in the year preceding the expiration of any existing contract for cleaning the streets of the city of Brooklyn, and every three years thereafter, estimate the amounts required to be expended each year during the next succeeding three years, commencing on the first day of April, after such estimate for the purpose of cleaning the streets, avenues, alleys and public places of the city of Brooklyn, and removing ashes therefrom, and shall present the same with their annual report to the common council of said city. Upon the expiration of any existing contract for cleaning the streets of said city, and every three

years thereafter, the commissioner of city works of said city is hereby authorized to make a contract in the manner hereinafter provided, and in the name of the city of Brooklyn, with some responsible person or persons for cleaning the streets, avenues, alleys and public places of said city, and removing ashes therefrom during the three years next succeeding the date of the expiration of the preceding contract, provided, however, that the contract so made shall not involve an expenditure during any year in excess of the amount estimated as aforesaid, as required to be expended for the purposes aforesaid during that year. The terms and conditions of the contracts authorized to be made by this section shall be fixed in specifications to be prepared under the supervision of the commissioner of city works, which specifications shall be printed and filed in said department before proposals are invited. The specifications shall require adequate security to be given for the performance of the contract. The said commissioner of city works shall advertise in the corporation newspapers for ten days, for proposals to perform the work in accordance with the specifications; each proposal must be accompanied by a certified check on a solvent banking incorporation in the city, payable to the order of the comptroller, for the sum of ten thousand dollars. From the proposals so received, the said commissioner may select the bid, the acceptance of which will, in his judgment, best secure the efficient performance of the work, or he may reject any or all of said bids. On the acceptance of any bid by the commissioner, the checks of the unaccepted bidders shall be returned to them, and upon the approval of the proposal of the accepted bidder as to form and sureties as herein provided, and within sixty days after he shall have entered upon the performance of his contract, the check of the accepted bidder shall be returned to him. The sureties upon all such contracts shall be approved by the comptroller, and all such contracts and bonds securing the same shall be approved as to form by the corporation counsel. The administration of the contract shall be under the direction and supervision of the commissioner of city works. Whenever a sworn petition, signed by fifteen or more taxpayers of said city, shall be filed in the department of city works, alleging that any contractor has failed in the performance of any of the requirements of the contract upon his part to be kept and performed, and also alleging in what particulars he has so failed, the commissioner of city works shall investigate the charges contained in said petition, and, if after hearing any contractor he shall find that the contractor has failed to perform his contract in any of the particulars specified, he may, with the consent of the mayor terminate the contract, and the finding of the commissioner of city works in that behalf after the confirmation thereof by the mayor, shall be final and conclusive, and the said commissioner shall proceed to make another contract for the unexpired term of the contract so terminated, and the contractor and his sureties shall remain liable to the said city for the damages it sustains by reason of his failure to perform the requirements of the contract so terminated. The commissioner of the department of city works shall have power to cause the streets, avenues, alleys and public places of said city, to be cleaned, and the ashes to be removed therefrom during such times as a contract for the performance of such work is not in force, and the expense of the work shall be paid out of the funds raised for the purposes aforesaid.

Terms and conditions.

Proposals for work.

Selections of bids and return of checks.

Sureties, etc., approval of.

Charges of non-performance of contracts, investigation of.

Termination of contracts, etc.

Liability of contractors. Commissioner may cause work done.

§ 2. All acts and parts of acts inconsistent with this act are hereby repealed. Repea..

§ 3. This act shall take effect immediately.

CHAP. 248.

AN ACT to amend an act entitled "An act in relation to the New York and Brooklyn bridge."

APPROVED by the Governor April 22, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter one hundred and twenty-eight of the laws of eighteen hundred and ninety-one, entitled "An act in relation to the New York and Brooklyn bridge," is hereby amended by adding thereto the following section:

Acquisi-
tion of
lands in
New York,
restricted.

§ 15. The trustees of the New York and Brooklyn bridge shall not purchase or acquire any lands in New York westerly of the present westerly boundary line of the lands held by the said trustees for the cities of New York and Brooklyn, within one hundred and twenty-one feet of the southerly line of Park Row.

2. This act shall take effect immediately.

CHAP. 249.

AN ACT to authorize the mayor, aldermen and commonalty of the city of New York to release their right, title and interest in certain lands in said city to the Woman's Hospital in the state of New York.

SCAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 22, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Release of
city's title
in lands,
author-
ized.

SECTION 1. The mayor, aldermen and commonalty of the city of New York are hereby authorized to release to the Woman's Hospital in the state of New York, formerly known as the Woman's Hospital of the state of New York, and also described as the New York State Woman's Hospital, all the right, title, interest, reversion or possibility of reversion which the said mayor, aldermen and commonalty of the city of New York, may or might have in the block of ground in said city, bounded by the Fourth avenue, Forty-ninth street, Lexington avenue, and Fiftieth street, originally conveyed by the mayor, aldermen and commonalty of the city of New York, to the board of governors of the New York State Woman's Hospital and their successors, so long as said ground should be used for the purpose of the said New York State Woman's Hospital, and no longer, by deed dated the fourth day of January, in the year eighteen hundred and fifty-nine, pursuant to the provisions of chapter three hundred and twenty-four of the laws of eighteen hundred and fifty-eight, entitled "An act to authorize the mayor, aldermen and commonalty of the city of New York to convey certain lots of ground to the New York State Woman's Hospital."

Agree-
ment with
hospital.

§ 2. The common council of said city, in authorizing such release, shall also require the said Woman's Hospital in the state of New York

to enter into an agreement in writing with the mayor, aldermen and commonalty of the city of New York, to provide and maintain in any hospital which may be established by it in said city, twenty-four free beds for poor persons residing in the city of New York, fit patients for said hospital to be nominated in such manner as may be provided for by ordinance or resolution, and in case no ordinance or resolution is passed by the common council in relation thereto, then the nomination to be made by the mayor, in all cases subject to the same rules and regulations enacted by the board of governors of said hospital for the admission of other patients. Said agreement shall be filed in the office of the comptroller of said city. Upon the execution and delivery of said release, the title to said ground shall vest in said the Woman's Hospital in the state of New York in fee simple absolute.

Title, how
vested.

§ 3. This act shall take effect immediately.

CHAP. 250.

AN ACT to amend chapter one hundred and fifty of the laws of eighteen hundred and seventy-two, entitled "An act to incorporate the city of Kingston."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 23, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section ten of chapter one hundred and fifty of the laws of eighteen hundred and seventy-two, entitled "An act to incorporate the city of Kingston," is hereby amended so as to read as follows:

City
charter
amended.

§ 10. The polls of election in the several election districts shall be opened at sunrise in the morning of the day of election, and shall be kept open, without intermission or adjournment, until sunset in the afternoon, when they shall be finally closed, and the inspectors shall forthwith, without adjourning, canvass the votes received by them, and make, file and deliver duplicate statements thereof, as provided by the general laws of the state. Except that whenever a ballot shall be defective in any particular affecting alone the election of an officer under the city government, such defective ballot shall be attached to the duplicate filed with the city clerk.

Its, open-
ing and
closing of.

Canvass
and state-
ment of
result.

§ 2. Section forty-three of said act is hereby amended so as to read as follows:

§ 43. The treasurer shall receive and safely keep all moneys belonging to the city. He shall also keep an accurate account of all receipts and payments, so as to exhibit the amount paid under each particular class of purposes for which moneys shall be raised, and make returns thereof in such manner and at such times as the common council shall direct. The common council shall make orders for the payment of all moneys to be drawn out of the treasury, except in pursuance of such orders appropriating the same and upon warrants signed by the mayor and countersigned by the clerk, except as herein otherwise provided which warrant shall specify for what purpose the amount stated therein is to be paid, and to what fund chargeable; and said treasurer,

Treasurer,
his duties.

Moneys,
how
drawn
from
treasury.

To have
powers of
collectors.
Financial
reports.

Office
hours.

Duties as
to taxes,
etc.

Entries in
books and
tax roll.

City's
quota of
state and
county
charges,
how appor-
tioned and
raised.

Taxes, how
rated and
assessed.

Tax roll.

in his account of payments or disbursements, shall state therein the number of the warrant upon which every payment or disbursement was made. He shall possess all the powers and perform all the duties possessed and performed by the collectors of towns, except as herein otherwise provided. He shall on the first day of December in every year, and at such other times as the common council shall require, present to said council, and file with the clerk, a full account of all receipts and disbursements since the date of his last annual report, and a statement of the financial condition of the treasury. He shall keep his office in such place in said city as he shall designate, subject to the approval of the common council, and shall keep the same open such days in the year and such hours as the council shall from time to time direct. It shall be his duty personally to receive all taxes or assessments which may be paid or payable at said office, and to retain there and not elsewhere, the possession of the warrants and tax assessment-rolls, which may from time to time be delivered to him for collection by the clerk of the city, or under the direction of the common council. He shall enter daily, in suitable books, the sums received by him, whether for taxes or on any other account, with the name of the person by or for whom and on what account the same shall be paid. He shall also enter in a column in the tax-roll in his possession, opposite the names of the persons who shall pay their taxes, the fact of payment, the amount thereof, and the day when paid.

§ 3. Section seventy-two of said act is hereby amended so as to read as follows:

§ 72. The board of supervisors of the county of Ulster shall, at their annual session, as early as practicable after they shall have made and equalized the valuation of the taxable property in the several towns of the county of Ulster, fix and determine the proportional amount of the state and county charges to be paid by the city of Kingston; and the clerk of said board of supervisors shall forthwith deliver to one of the supervisors of the city of Kingston a certificate of the amount thus apportioned to said city, and it shall be his duty immediately to deliver and file the same with the clerk of said city. It shall then be the duty of the common council of said city to raise by general tax upon the taxable property of said city, the amount specified in such certificate as the quota of state and county charges to be paid by said city, so that the same can be paid over by the treasurer of said city to the county treasurer on or before the first day of March next ensuing. The said quota of state and county charges to be paid by said city shall, together with all sums to be raised by a general city tax in pursuance of this act, except as herein otherwise provided, be assessed and rated upon and among the owners of real and personal estate, incorporated companies and associations named in the revised assessment-roll in proportion to the value therein stated, in the same manner and proportion, as near as may be, as taxes in and for the county of Ulster are rated and assessed. The sum rated and assessed upon the estate of each person, company, corporation or association shall be set opposite the name of such person, company, corporation or association respectively in the last column of the tax-roll, which roll shall be a copy of the revised assessment-roll, and shall be corrected, completed and filed with the city clerk on or before the fifteenth day of January, and which when so corrected, completed and filed, shall be a lien on the real estate described therein.

§ 4. Section seventy-eight of said act is hereby amended so as to read as follows:

§ 78. All fees, percentages, or interest moneys received by the treasurer, shall be paid by him into the treasury of the city, and he shall receive a salary not to exceed one thousand dollars, in full for his services under this act to be paid to him in quarterly installments.

Fees, etc.

Salary of treasurer.

§ 5. Section one hundred and eighteen of said act is hereby amended so as to read as follows:

§ 118. The mayor of said city is authorized to appoint four citizens, two of whom shall be members of the political party that cast the largest number of votes at the last general election, and two of whom shall belong to the political party that cast the next largest number of votes at said election, who, together with the mayor, shall constitute the board of police commissioners of said city, and who shall serve without pay. The mayor shall be the president thereof. One of said commissioners shall serve for one year, one for two years, one for three years, and one for four years, and thereafter the said mayor shall have the like authority, and it shall be his duty to appoint a like citizen for a term of four years, upon the expiration of the term of any commissioner hereafter appointed. Whenever any vacancy shall occur in said board by death, resignation, removal, or otherwise, the mayor shall have power to fill the vacancy. The said police commissioners shall have power to prescribe rules and regulations for the police department and appoint a chief of police and fix his salary which shall not exceed eighty dollars per month, and define his duties. The constables provided by law shall in addition to their duties, act as policemen under the direction of the said police commissioners, and shall receive a salary for police services not to exceed forty dollars per month.

Police commissioners, appointment and terms of

Vacancies in board.

Rules.

Chief of police.

Constables

The board thus constituted may also when deemed necessary by them, appoint extra policemen, not exceeding six in number, three of whom shall be of the same political party as two of said commissioners, and three of whom shall be of the same political party as the remaining commissioners, and neither the provisions of chapter three hundred and fifty-four, laws of eighteen hundred and eighty-three, nor any amendment thereof shall apply. Said extra policemen shall receive a salary not exceeding fifty dollars per month. The board shall also in their discretion, at the request of any society holding public exhibitions in said city, or the proprietor or manager of any public exhibition in said city, or of the president of any railroad corporation in said city, appoint such number of special policemen as they may deem necessary, but the compensation of special policemen in all cases shall be paid by the society, corporation, or proprietor or manager of the exhibition for which the services are performed. All special policemen so appointed shall be under the control of the police board. The chief of police or any officer under his direction is empowered to enter any house or building which he has cause to suspect to be a gambling house, or to be inhabited by persons of ill-fame, or to which persons of dissolute, idle, or disorderly character resort, and disperse the same, or arrest such persons and hold them until they can be dealt with, before some proper magistrate, according to law. The chief of police, any policeman, or any constable acting as policeman, may be suspended, with forfeiture of pay, for a period not exceeding thirty days, reprimanded or relieved entirely without pay, by said police board, for the commission of any criminal offense, neglect of duty, violation of rules and regulations, disobedience of orders, absence without leave, corrupt or improper conduct, or conduct unbecoming an officer,

Extra policemen

Special policemen

Entry of building to make arrests.

Suspensions and removals for cause.

breach of discipline, or incapacity, after an opportunity to be heard before said board upon a notice of six days, accompanied with a copy of the charges preferred. The said board shall report to the common council on or before the first day of November in each year, the amount necessary to pay the compensation and expenses of the police for the current year, which amount the common council shall include in the annual tax. The common council shall allow and pay in the same manner as the other employes of the city are paid, the pay-rolls of the police department, when certified by the board of police to be correct. The said commissioners, chief of police, and policemen before they enter upon the duties of their respective offices, shall take and subscribe, before the city clerk, the oath required by the constitution. A majority of said board shall constitute a quorum for the transaction of business. The mayor of said city is hereby also authorized to remove from office any commissioner of said department after hearing such commissioner. The said police commissioners shall exercise the powers and perform the duties connected with and incident to the police government and discipline of said city, as hereinafter more specially provided. The common council of the city of Kingston shall provide suitable rooms in the city hall or elsewhere for the meetings of the commissioners. Such meetings shall be held at such times and places as shall be appointed by the president of the board, or a majority of the members thereof, and the attendance of three commissioners shall at all times be necessary to constitute a quorum. The chief of police shall be ex-officio the clerk of said board, but shall receive no extra compensation therefor. The clerk of the board shall keep a record in due form of all the proceedings of the board and perform such duties incident to the office, as the board may require. The board thus constituted shall appoint the policemen and regulate and control the police force of said city. The said board may appoint from time to time such additional number of policemen as they shall deem necessary, provided they shall be authorized so to do by the vote of a majority of all the members of the common council, under the same conditions as hereinbefore stated. The board may also, if deemed necessary, select out of the number of policemen appointed by them, not to exceed two policemen, who shall constitute a detective force, and who shall receive, in addition to their regular pay, as hereinbefore provided, a sum to be fixed by said board, not exceeding twenty-five dollars each month. The said detective force shall be under the direction of the chief of police. No policeman or special policeman or officer of the police force shall receive any present or reward for services rendered or to be rendered, unless with the approval of the police board, such approval to be given in writing and filed with the clerk; and any one of their number who shall receive any fee or reward in violation of this section, shall forfeit his office. The contingent expenses of the police department, office, furniture, fuel, lights, stationery, printing, advertising, books, policemen's badges and batons shall be audited by the common council upon the certificate of said commissioners, and paid by the treasurer upon the warrant of said common council. The police appointed under this act shall be uniformed police.

§ 6. This act shall take effect immediately.

CHAP. 251.

AN ACT to amend chapter two hundred and sixty-six of the laws of eighteen hundred and eighty-nine, entitled "An act to authorize and provide for the erection by the city of New York of a monument in any of the public parks, squares or places belonging to said city, in honor and memory of John Ericsson, deceased.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 23, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter two hundred and sixty-six of the laws of eighteen hundred and eighty-nine, entitled "An act to authorize and provide for the erection by the city of New York of a monument in any of the public parks, squares or places belonging to said city, in honor and memory of John Ericsson, deceased," is hereby amended so as to read as follows:

§ 1. The board of estimate and apportionment of the city of New York is hereby authorized and empowered to appropriate the sum of ten thousand dollars, to be raised by taxation in said city in like manner as other moneys required to conduct the public business therein are now authorized by law to be raised, to provide for the erection of a monument in any of the public parks, squares or places belonging to said city, in honor and memory of John Ericsson, deceased.

Appropriation for monument authorized.

§ 2. Section two of said act is hereby amended so as to read as follows:

§ 2. William C. Church, V. F. Lassoe, George H. Robinson, Thomas W. Rowland, George Inness, John D. Crimmins, Ashley Cole, William H. Sheldon, William H. Webb, John O. Sargent, S. W. Taylor, William C. Whitney, C. S. Bushnell and D. C. Worden, heretofore designated and organized in said city as a committee to promote the erection of such memorial are hereby authorized to submit designs and plans therefor to the commissioners of parks in said city. Upon the final approval and acceptance of such designs and plans by said commissioners of parks, they shall be and become the designs and plans according to which such monument shall be constructed and the department of public parks in said city may thereupon, and after the appropriation therefor authorized by the first section of this act shall have been made, proceed to construct said monument in such one of the public parks, squares or places under the control of said department as the commissioners thereof may select for the purpose.

Committee to submit designs and plans.

Approval and acceptance thereof.

Construction of monument.

§ 3. This act shall take effect immediately.

CHAP. 252.

AN ACT for the relief of the Roman Catholic church at Warsaw, to escheat the lands upon which the church stands and convey the same to the bishop of the diocese.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 23, 1891. *Passed*, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Proceed-
ings to es-
cheat
lands.

SECTION 1. The attorney-general is authorized and directed to take proceedings to escheat the lands formally held by Francis Cooke, now deceased, situate in the village of Warsaw, Wyoming county, New York, occupied by the Roman Catholic church in said village and bounded and described as follows: Beginning at the northeast corner of the village lot of Chester P. Hurd on the west side of Main street in the village of Warsaw; thence west along the north line of said Hurd's lot fourteen rods to the east line of Mrs. Richard's lot; thence north along the east line of Mrs. Richard's lot fourteen rods to the center of North street; thence east along the center of North street four rods to the west line of James Welch's lot; thence south along said Welch's west line to his southwest corner about five and one-half rods; thence east along said Welch's south line to the west line of Main street about ten rods; thence south along the west line of Main street about eight and one-half rods to the place of beginning.

Convey-
ance
to bishop.

§ 2. After the title to said lands shall be acquired under said proceedings the same shall be conveyed to Stephen Vincent Ryan or to the person who may then be the Roman Catholic bishop of Buffalo, in fee simple.

§ 3. This act shall take effect immediately.

CHAP. 253.

AN ACT concerning the Niagara Falls Power Company, and to amend chapter eighty-three of the laws of eighteen hundred and eighty-six, as amended by chapter one hundred and nine of the laws of eighteen hundred and eighty-nine.

APPROVED by the Governor April 23, 1891. *Passed*, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Increase of
capital
stock.

SECTION 1. The Niagara Falls Power Company, a corporation existing under chapter eighty-three of the laws of eighteen hundred and eighty-six, as amended by chapter one hundred and nine of the laws of eighteen hundred and eighty-nine, is hereby empowered to increase its capital stock from time to time to any sum not exceeding ten million dollars, that may be required by the necessities of the corporate business, but only in the manner specified in the said act.

May hold
stock in
corporations.

§ 2. Such company may hold stock in any corporation created for, or engaged in the business of using or supplying the water of the Niagara river, in the county of Niagara, or of any corporation created

for or engaged in the use of power or light derived from such water, and may hold stock in any corporation which shall contract to purchase, lease or use any power or property of the Niagara Falls Power Company; and the trustees of said Niagara Falls Power Company shall have power to contract for and purchase or receive such stock of such other corporations upon such terms as they may agree upon, and in payment therefor to issue the stock of their company, but not to increase its capital stock, except in the manner provided in said act. When such company shall be a stockholder in any other corporation, as herein provided, it may appoint its president or any other officer to be ex-officio the stockholder of record in respect of such stock to vote or to be voted for in such other corporation.

Purchase thereof and issue of stock for.

Ex-officio stockholders of record.

§ 3. Section five chapter eighty-three of the laws of eighteen hundred and eighty-six, as amended by chapter one hundred and nine of the laws of eighteen hundred and eighty-nine, is hereby further amended so as to read as follows:

§ 5. The trustees of such company may contract for and may purchase lands, interests in lands, and other property including any work of construction necessary for their business, and issue shares of the capital stock of such company in payment therefor, and the stock so issued shall be declared and taken to be full paid stock and not liable to any further calls, and the holders thereof shall only be subject to the same liabilities and have the same rights as other holders of full paid stock in said company, but in all statements and reports of the company to be published this stock shall not be stated or reported as being issued for cash paid into the company. All stock shall be considered personal property and shall be assignable and transferable on the books of the company. Said company shall have power, by the vote of its directors, to secure the payment of any part of the price of any property purchased by a mortgage or mortgages thereon; to borrow money; and to issue bonds for its corporate purposes to such amount as may from time to time be authorized and approved by the trustees; and with the consent of the stockholders holding a majority of the stock of said company, at a meeting called for that purpose, may secure the payment of any such bonds issued or proposed to be issued by a mortgage or mortgages upon its property, rights, privileges and franchises.

Issue of stock in payment of lands, work, etc.

Stock personal property.

Power to mortgage property, issue bonds, etc.

§ 4. Section ten of said chapter eighty-three of the laws of eighteen hundred and eighty-six, is hereby amended so as to read as follows:

§ 10. The said company may acquire title to land for the purposes herein specified in the manner specified by the condemnation law of this state, and may construct, operate and maintain its tunnels, conduits, sewers and its hydraulic, pneumatic or electrical conductors for the purposes of said company as hereinbefore specified, or in accordance with the consents given by the local authorities of the towns of Niagara, Wheatfield and Tonawanda and the villages of Niagara Falls, Tonawanda and North Tonawanda, the consents already given by such local authorities being hereby confirmed, or under the waters of the Niagara river, provided that they shall be so laid as not to interfere with the navigation thereof.

Proceedings to acquire title to lands. Tunnels, etc., how may be constructed, maintained, etc.

§ 5. Section twelve of said chapter eighty-three of the laws of eighteen hundred and eighty-six, is hereby amended so as to read as follows:

§ 12. Every stockholder of said company shall be personally liable to its creditors to an amount equal to the amount of the stock held by him, for all debts and contracts made by the company until the whole amount of capital stock then issued and outstanding shall have been

Liabilities of stockholders.

Liabilities
of certain
persons
holding
stock.

paid in, and a certificate showing such payment signed by the president and a majority of the trustees, stating the amount of capital stock fixed and paid in at the date of such certificate shall have been filed and recorded in the office of the clerk of Niagara county, which certificate shall be verified by the oath of the president or secretary of said company. Such stockholders shall jointly and severally, also be personally liable for all debts due and owing to any of its laborers, servants or employes other than contractors, for services performed by them for such company. Before such laborer, servant or employe shall charge such stockholder for such services, he shall give him notice in writing, within thirty days after the termination of such services, that he intends to hold him liable, and shall commence an action therefor within thirty days after the return of an execution unsatisfied against the company, upon a judgment recovered against it for services. No person holding stock in such company as collateral security, or as executor, administrator, guardian or trustee, unless he shall have voluntarily invested the trust funds in such stock, shall be personally subject to liability as a stockholder; but the person pledging such stock shall be considered the holder thereof, and shall be liable as a stockholder; and the estates and funds in the hands of such executor, administrator, guardian or trustee shall be liable in the like manner and to the same extent as the testator or intestate, or the ward, or person interested in such trust fund would have been, if he had been living and competent to act and hold the same stock in his own name, unless it appears that such executor, administrator, guardian or trustee voluntarily invested the trust funds in such stocks, in which case he shall be personally liable as a stockholder.

§ 6. Section thirteen of said chapter eighty-three of the laws of eighteen hundred and eighty-six, is hereby amended so as to read as follows:

Limitation
of liability.

§ 13. No action shall be brought against any stockholder for any debt of the company until judgment therefor shall have been recovered against the company and an execution thereon shall have been returned unsatisfied in whole or in part. No stockholder shall be personally liable for any debt of the company not payable within two years from the time it is contracted, nor unless an action for its collection shall have been brought against the company within two years after the debt shall have become due, and no action shall be brought against a stockholder after he shall have ceased to be a stockholder for any debt of the company unless brought within two years from the time he shall have ceased to be a stockholder.

§ 7. Section fourteen of said chapter eighty-three of the laws of eighteen hundred and eighty-six, is hereby amended so as to read as follows:

Annual re-
port.

§ 14. Said company shall annually, during the month of January, make a report as of the first day of January, which shall state the amount of its capital stock and the proportion actually paid in; the amount of its existing debts; and the dividends, if any, declared since its last annual report. Such report shall be signed by the president or a vice-president, and a majority of the trustees, and shall be verified by the oath of the president or vice-president and the treasurer or secretary, and shall be filed in the office of the secretary of state, and in the office of the clerk of Niagara county. If such report is not so made and filed, all the trustees of the company shall jointly and severally be personally liable for all debts of the corporation then existing and for all contracted before such report shall have been made. No

Liability of
trustees
upon fail-
ure to file
report, etc.

trustee shall be liable because of any failure to make and file such report if he shall file with the secretary of state within thirty days after the thirty-first day of January, a verified certificate stating that he has endeavored to have such report made and filed, but that the officers or a majority of the trustees have refused and neglected to make and file the same, and shall append to such certificate a report containing the items required to be stated in such annual report so far as they are within his knowledge or are obtainable from sources of information open to him and verified by him to be true to the best of his knowledge, information and belief.

§ 8. Said company is authorized and empowered to use and supply to any of the cities, towns or villages in the counties of Niagara and Erie, or the inhabitants thereof, pure and wholesome water and power or electricity for the purposes aforesaid, or any thereof in such way or manner and at such reasonable rates and cost and on such conditions to consumers or users as may be deemed advisable and agreed upon, and any city, town or village aforesaid, by its authorities, may contract with said company for the supplying, delivery and use of pure and wholesome water, power and electricity, or either thereof, for fire, illuminating, sanitary or other public purposes. The amount by any city, town or village aforesaid, agreed to be paid therefor shall be annually raised, levied, assessed and collected in the same manner as other expenses of such city, town or village are or may be raised, and when collected shall be kept separate from other funds of such city, town or village, and be paid over to said company by said authorities according to the terms and conditions of the contract in the special case; provided, however, that no such contract shall be made for a longer period than twenty years; and provided that in towns where there shall be an incorporated village, constituting a part only of such town, no tax shall be levied upon property within the village limits for the purposes of this act, except in pursuance of a contract between the authorities of such village and said company.

Water and electricity, supplying of to municipalities, etc.

Contracts with company.

Payment therefor, how raised.

Proviso as to contract and taxes

§ 9. Said company may prevent the flow or drainage of noxious or impure waters or matters from the lands of others into any canal, raceway, reservoir or other work of said company, and may alter, straighten, deepen, obstruct or increase the flow of water in streams or water channels, intersecting or connecting with, or contiguous to its works, or any thereof; and may discharge water at such point or points, and in such quantity and manner as may be most convenient and advantageous; and may build, erect, construct, dig and lay any canals, raceways, ditches, locks, piers, inlet piers, cribs, bulkheads, dams, gates, sluices, reservoirs, aqueducts, conduits, pipes, culverts, posts, abutments, conductors, cables, wires, insulators or other works, machinery, fixtures, or buildings of every kind and description whatsoever that may be necessary, proper and convenient for its said purposes, or any thereof, upon any lands in which it may acquire a right so to do, or in said Niagara river, provided that the navigation thereof be not obstructed.

Impure drainage, may prevent.

Alteration of flow of streams.

Erection of works, buildings, etc.

§ 10. Said company may enter upon and use the ground or soil under any street, highway, road, railroad land or public ground except Erie canal land, within said counties for the purposes aforesaid, and may, when necessary, change the location or surface grade of any street, highway or road; and such right shall be continuous for said purposes, including the relaying, repairing, altering or extending its works; provided however, that in cases where any open canal or other open work of said company, shall cross any street, highway, road, public ground or railroad land, said company shall construct, and at

Right to enter upon streets, public lands, etc.

Erection of bridges.

Laying of
pipes.

Posts and
wires, how
placed and
elevated.

Entry
upon
lands.

Survey and
map of -
lands to
be taken.

Amend-
ment of
map.

Procee-
dings to
acquire
additional
lands, etc.

Rents
a lien
upon lands.

How col-
lected or
enforced.

Willful
injury to
works,
etc a
misde-
meanor

all times thereafter maintain suitable and proper bridges over its said work where such bridges are rendered necessary by the construction of its said works; and in cases where its pipes or other covered work shall be laid under the surface of any road, street, highway, public ground or railroad land the surface thereof shall be made and kept suitable for public travel, and as nearly as may be as it was before said work was done; and in cases of posts and elevated conductors, cables or wires upon and over such road, street, highway, public ground or railroad land, the same shall be so placed and elevated as not to interfere with the ordinary use thereof by the public or railroad company or highway or railroad purposes.

§ 12*. Said company by any of its officers, agents or servants may, for the purposes aforesaid, enter upon and survey any lands. Before beginning condemnation proceedings to acquire any lands, waters, easements or rights therein, or entering upon or using any thereof, except to survey the same, and except such as shall have been acquired by gift, devise or purchase, said company shall cause a survey and map to be made of the lands, waters, easements and rights therein intended to be taken and acquired by condemnation proceedings, by or on which the land, water, easement or right therein of each owner or occupant shall be designated, which map shall be signed by the president and secretary of said company and filed in the Niagara county clerk's office. Said map may be amended by said company as to any parcel or parcels of land at any time before the appointment of commissioners of appraisal in condemnation proceedings to acquire such parcel or parcels, or any easement or right therein, by filing in said county clerk's office a new or further map, signed as aforesaid, together with a notice stating in substance that the map then on file has been amended, as shown by said new map, and thereupon the said new map shall have the force and effect of the map so amended, and the map so first filed shall be deemed superseded as to the lands described or affected by said amendment, except so far as it relates to proceedings then already had and done. Whenever said company shall deem it necessary to acquire any additional lands, waters, easements or rights therein, it shall, before beginning proceedings to acquire the same by condemnation, cause to be made a like survey and map, which shall be authenticated in like manner and filed in said county clerk's office, showing such additional lands, waters, easements or rights therein intended to be taken, and designating the land, water, easement or right therein of each owner or occupant separately as far as may be.

§ 12. All rents or rates authorized by this act to be established and charged, except those charged against a city, town or village, for municipal purposes, shall be a lien upon the premises on or in which the water or electricity shall be used, and may be collected of the person or persons contracting therefor, or liable to pay the same, or such lien may be enforced in the manner provided by law.

§ 13. Any person or persons who shall willfully or maliciously destroy, injure or interfere with any canal, raceway, ditch, lock, pier, inlet-pier, crib, bulkhead, dam, gate, sluice, reservoir, aqueduct, conduit, pipe, culvert, post, abutment, conductor, cable, wire, insulator or other work, machinery, building or property of said company, or who shall willfully or maliciously do any act which shall injuriously affect the water or electricity of said company, or the supply, quantity,

* So in the original.

transmission or regulation thereof, shall be guilty of a misdemeanor, and may be punished by fine or imprisonment, or both fine and imprisonment, in the discretion of the court, and shall forfeit and pay to said company, or to any person or persons injured thereby, treble damages, besides the costs of the action, to be recovered in any court having jurisdiction; the power granted by this act to transmit and use electricity shall be subject to the general laws of the state and the municipal ordinances of the several cities, villages and towns within which it shall be transmitted or used.

How punished.

§ 14. This act shall take effect immediately.

CHAP. 254.

AN ACT to amend section one hundred and seventy-one of chapter five hundred and sixty-nine of the laws of eighteen hundred and ninety, entitled "An act in relation to towns, constituting chapter twenty of the general laws."

APPROVED by the Governor April 25, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one hundred and seventy-one of chapter five hundred and sixty-nine of the laws of eighteen hundred and ninety is hereby amended so as to read as follows:

§ 171. **Town fire companies.** The town board of any town may appoint, in writing, any number of inhabitants of their town, which they may deem necessary, to be a fire company for the extinguishment of fires in their town; but no such company, as herein provided, shall be formed in any incorporated city or village. Each fire company thus formed shall choose a captain and clerk thereof, and may establish such by-laws and regulations as may be necessary to enforce the performance, by such firemen, of their duty, and may impose such penalties, not exceeding five dollars for each offense, as may be necessary for that purpose. Such penalties may be collected by and in the name of the captains, in any court having cognizance thereof, and when collected shall be expended by the companies for the repair and preservation of their engines and apparatus. All vacancies which may at any time happen in such companies by death, resignation or otherwise, shall, from time to time, be filled by the town board. The electors of any highway district, in which any town fire company shall have their headquarters, at a special meeting lawfully called by the town clerk, who is hereby authorized to call such special meeting, may vote by ballot a sum of money, not exceeding four thousand dollars, for the purchase of a fire-engine and apparatus. And whenever said electors shall so vote said money for the purchase of a fire-engine and apparatus, the commissioners of the highway may contract for and purchase for such district a good and sufficient fire-engine and apparatus, at a price not to exceed the sum so voted, which engine and apparatus shall be the property of said highway district, but may be used and cared for by such fire company. The purchase price of said fire-engine and apparatus shall be assessed and levied upon the property of said district and collected in the same manner as other town charges are assessed, levied and collected, except that the amount

Town fire companies, formation of, etc.

Fire engine and apparatus for highway district, purchase of.

Purchase price, how assessed and levied.

thereof shall be put in a separate column upon the tax-roll, and the board of supervisors of the county shall cause the sum as certified by the town board to be levied upon the taxable property of such high-way district.

§ 2. This act shall take effect immediately.

CHAP. 255.

AN ACT to amend chapter three hundred and fifteen of the laws of eighteen hundred and seventy-eight, entitled "An act to secure the payment of laborers, mechanics, merchants, traders and persons furnishing materials toward the performing of any public work in the cities of the state of New York," as amended by chapter four hundred and twenty-nine of the laws of eighteen hundred and eighty-one.

APPROVED by the Governor April 25, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter three hundred and fifteen of the laws of eighteen hundred and seventy-eight is hereby amended so as to read as follows:

**Liens for
work or
materials
under
municipal
contracts.**

§ 1. Any person or persons who shall hereafter as laborer, mechanic merchant or trader, in pursuance of, or in conformity with, the terms of any contract made between any person or persons, firms or corporations, and any county, town, incorporated city or village in the state of New York, perform any labor or furnish any material toward the performance or completion of any contract made with said county, town, city or village, on complying with the second section of this act, shall have a lien for the value of such labor or materials, or either, upon the moneys in the control of said county, town, city or village, due or to grow due under said contract with said county, town, city or village, to the full value of such claim or demand, and these liens may be filed and become an absolute lien to the full and par value of all such work and materials, to the extent of the amount due or to grow due on said contract, in favor of every person or persons, firms or corporations who shall be employed or furnish materials to the person or persons with whom said contract with said county, town, city or village is made, or the subcontractors of said person or persons, their assigns or legal representatives, provided that no county, town, city or village shall be required to pay a greater amount than the contract price or value of the work and the materials furnished, when no specific contract is made in the performance of said work by the contractor.

§ 2. Section two of said chapter is hereby amended so as to read as follows:

**Notice of
claims.**

§ 2. At any time before the whole work to be performed by the contractor for the county, town, city or village is completed or accepted by the county, town, city or village, and within thirty days after the same is so completed or accepted, any claimant may file with the head of the department or bureau having charge of said work, and with the financial officer of said county, town, city or village, notice stating the residence of the claimant, verified by such claimant's oath or af-

firmation, stating the amount claimed, from whom due, and if not due, when it will be due, giving the amount of the demand after deducting all just credits and offsets, with the name of the person or persons, firms, or corporations, by whom employed, or to whom materials were furnished; also a statement of the terms, time given, conditions of the contract, and also that the work was done or materials were furnished to the said contractor, and were actually performed or used in the execution and completion of the said contract with said county, town, city or village, but no variance as to the name of the contractor shall affect the validity of the said claim or lien. Statement.

§ 3. Section three of said chapter is hereby amended so as to read as follows:

§ 3. The financial officer of said county, town, city or village, shall enter the claims in a book kept for that purpose by him, called the "lien book." Such entry shall contain the name and residence of claimant, the name of the contractor, the amount and date of the filing, and a brief designation of the contract upon which the claim is made. Liens to be entered.

§ 4. Section four of said chapter is hereby amended so as to read as follows:

§ 4. No lien provided for in this act shall be binding upon the property therein described unless an action be commenced within ninety days from the filing of the same, and a notice of pendency of said action be filed with the financial officer of the county, town, city or village. Action to foreclose.

§ 5. Section five of said chapter is hereby amended so as to read as follows:

§ 5. The lien shall attach from the time of filing thereof to the extent of the liability of the contractor for the claim preferred upon any funds which may be due or to grow due to the said contractor from said county, town, city or village, under the contract against which the lien is filed. When lien attaches.

§ 6. Section six of said chapter is hereby amended so as to read as follows:

§ 6. Any claimant who has filed the notice mentioned in the second section of this act, may enforce said claim against the said fund therein designated and against the person or persons, firms or corporations, liable for the debt by a civil action. Actions to determine or terminate said liens may be commenced by the contractor or said county, town, city or village, in any court of competent jurisdiction. Enforcement of claims.

§ 7. Section seven of said chapter is hereby amended so as to read as follows:

§ 7. The plaintiff must make all parties who have filed claims, the contractor, and the said county, town, city or village, parties defendant, and as to all parties against whom no personal claim is made, the plaintiff may, with the summons, serve a notice, stating briefly the object of action, and that no personal claim is made. But all parties who have filed claims under this act may, by answer in such action, set forth the same, and the court in which the action is brought may decide as to the extent, justice and priority of the claims of all the parties to the action. Parties to action.

§ 8. Section eight of said chapter is hereby amended so as to read as follows:

§ 8. The court in which the action is brought shall determine the validity of the lien, the amount due from the debtor to the contractor under his contract, and from the contractor to the respective claimants, and shall render judgment, directing that the said county, town, Judgment in action to foreclose.

city or village, shall pay over to the claimants, for work done and materials furnished in the execution of the said contract or contracts, whose claims or liens it shall hold to be valid and just, in the order of their priority as determined by said court to the extent of the sum found due to said claimants from their contractor, so much of said funds or money which may be due from the said county, town, city or village, to the contractor, under his contract, against which the lien is filed, as will satisfy their liens or claims, with interest and costs, to the extent of the amount due from said county, town, city or village to said contractor. The judgments rendered under this act may be enforced by execution, and an appeal may be taken therefrom in the same time and manner as in civil actions.

Execution.

§ 9. Section ten of said chapter is hereby amended so as to read as follows:

Consolidating actions.

§ 10. When separate actions are commenced, the court in which the first action was brought may, upon the application of the said county, town, city or village, consolidate them.

§ 10. Section fourteen of said chapter is hereby amended so as to read as follows:

Term "contractor" defined.

§ 14. The term "contractor," as used in this act, shall be construed as meaning the person or persons, firms or corporations with whom the contract with the said county, town, city or village, is made, his assigns or legal representatives.

§ 11. Section fifteen of said chapter is hereby amended so as to read as follows:

Application of act.

§ 15. This act shall apply to and include all cases and contracts under which work and materials have heretofore been, or shall hereafter be done and furnished upon any land, the title of which was, at the time of the making of the contract, and now is in any county, town, city or village, and for the performance of which appropriations have been, or shall hereafter be made and raised by any county, town, city or village; and shall apply to and include actions now pending for work done and materials furnished under any such contract.

§ 12. Section sixteen of said chapter is hereby amended so as to read as follows:

Title of act amended.

§ 16. The title of said chapter is hereby amended so as to read as follows: An act to secure the payment of laborers, mechanics, merchants, traders and persons furnishing materials toward the performing of any public work in the counties, towns, cities and villages of the state of New York.

Proviso.

§ 13. The act shall take effect immediately; but nothing herein contained shall effect* the validity of any claims or liens upon moneys due or to grow due under contracts made by counties, towns, cities or villages prior to the passage of this act. All acts and parts of acts inconsistent with the terms of this act are hereby repealed.

Repeal.

* So in the original.

CHAP. 256.

AN ACT to amend chapter two hundred and ninety-five of the laws of eighteen hundred and ninety, entitled "An act making appropriations for certain expenses of government and supplying deficiencies in former appropriations."

APPROVED by the Governor April 25, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The paragraph in chapter two hundred and ninety-five of the laws of eighteen hundred and ninety, entitled "An act making appropriations for certain expenses of government and supplying deficiencies in former appropriations," which reads as follows: "The balance remaining in the treasury unexpended of the sum of fifteen hundred dollars, appropriated by chapter five hundred and seventy of the laws of eighteen hundred and eighty-nine, 'for repairs and renewals of walks in the park of the state armory at Syracuse,' being the sum of fifteen hundred dollars, is hereby reappropriated, and may be expended for the general repairs of the said armory," is hereby amended so as to read as follows: "The balance remaining in the treasury unexpended of the sum of fifteen hundred dollars, appropriated by chapter five hundred and seventy of the laws of eighteen hundred and eighty-nine, 'for repairs and renewals of walks in the park of the state armory at Syracuse,' being the sum of fifteen hundred dollars, is hereby reappropriated, and may be expended for the general repairs and betterments of the said armory."

Reappropriation for armory at Syracuse.

§ 2. This act shall take effect immediately.

CHAP. 257.

AN ACT to reappropriate an unexpended balance of a former appropriation, and to make an appropriation for the payment of the awards of the board of claims in claims arising on account of the canals, and for expenses connected therewith; and reappropriating funds for payment of an award of the canal appraisers.

APPROVED by the Governor April 25, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of thirty-seven thousand four hundred and fifty-nine dollars and twenty-eight cents being the unexpended balance of the appropriation of sixty thousand dollars made by chapter two hundred and twenty-seven of the laws of eighteen hundred and ninety, is hereby reappropriated for the purpose hereinafter mentioned, and the additional sum of twenty-two thousand five hundred and forty dollars and seventy-two cents payable out of the canal fund, is hereby appropriated for the same purpose, namely: For the payment of the awards of the board of claims made, and which may hereafter be made during the present calendar year for claims before said board on account of the canals of this state the sum of sixty thousand dollars, or

Reappropriation.

Appropriation.

For awards of board of claims.

so much thereof as may be necessary ; but no such award shall be paid except upon the filing of a copy thereof, duly certified by the clerk of said board, and a certificate of the attorney-general that no appeal therefrom has been or will be taken by the state.

For expenses of agent of public works.

§ 2. That the sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated from the canal fund to pay for the services, disbursements and expenses incurred by the agent employed by the superintendent of public works on request of the attorney-general, as provided in section five of chapter two hundred and five of the laws of eighteen hundred and eighty-three, in the defense of claims against the state arising on account of the canals ; but no account for such services, disbursements and expenses shall be paid until the same has been presented to and approved by the canal board.

Approval by canal board.

Reappropriation for award of canal appraisers.

§ 3. The sum of four hundred and twenty-eight dollars and forty cents, appropriated by chapter four hundred and seventy-one of the laws of eighteen hundred and eighty-three for the payment of an award of the canal appraisers in favor of Stephen Titcomb and Tunis Waldron, and so much of the money appropriated by said act for the payment of interest on this and other awards made thereby, as may be sufficient to pay the legal interest thereon, is hereby reappropriated for the same purpose.

§ 4. This act shall take effect immediately.

CHAP. 258.

AN ACT authorizing the city of Poughkeepsie to sell and convey certain real estate now owned by it.

APPROVED by the Governor April 25, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sale of land authorized.

Equivalent for lands sold.

Conveyance.

SECTION 1. The city of Poughkeepsie is hereby authorized to sell so much of the rear portion of the lot situated on the west side of North Clinton street in said city, now belonging to it, and occupied by public school number five, as the board of education of said city of Poughkeepsie, shall determine to be unnecessary for public school purposes, upon receiving from Robert Sanford and wife, as an equivalent for the lands so sold and conveyed a conveyance in fee of so much of the lands and premises, now owned by said Robert Sanford as will, with that portion of said lot retained by said city and not to be sold hereunder, make the lot to be hereafter used for the uses and purposes of said public school* number five of uniform shape, not less than one hundred and sixty-seven feet and seven inches in depth, not less than one hundred feet in width in front and not less than one hundred feet and eight inches in width in the rear.

§ 2. The parcel sold shall be conveyed to said Robert Sanford in fee by a deed of conveyance from the city, executed by the mayor under a resolution of the common council of said city, authorizing and directing such conveyance and attested by the seal of said city.

§ 3. This act shall take effect immediately.

*So in the original.

CHAP. 259.

AN ACT to incorporate the Niagara County Irrigation and Water Supply Company.

APPROVED by the Governor April 25, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. John Fleming, Willard Hopkins, Eugene Murphy, Eugene K. Sage, George P. Eddy, Galen Miller, Frederick W. Bartlett, Richard Armstrong, Thomas C. Robinette and such other persons as they may associate with them under the provisions of this act are hereby constituted a corporation by the name of "The Niagara County Irrigation and Water Supply Company." The principal office of said corporation shall be in the village of Lewiston, in the county of Niagara in this state.

Corporators.

Corporate name and location.

§ 2. The capital stock of said corporation shall be fixed by the directors thereof not to exceed the sum of five million dollars, and shall be divided into shares of one hundred dollars each. Such capital stock may be increased not to exceed the sum specified or diminished as the necessities of the corporation may require.

Capital stock.

§ 3. The purposes for which said corporation is incorporated are the construction and maintenance of a public water-way from a point in the Niagara river between the west bank of Cayuga creek and the east line of lot seventy-one of the Mile Reserve, so called, as may be most convenient, which water-way may be constructed as a canal, ditch or tunnel as shall be necessary and convenient for the proper operation thereof and the uses for which it is constructed. The supplying from said waterway and conduits, ditches, canals, tunnels and pipes leading therefrom of pure and wholesome water to the village of Lewiston and the inhabitants thereof, and to any other city or village now or hereafter located in the towns of Niagara, Lewiston or Porter in the county of Niagara, and the inhabitants thereof. The storage, accumulation, conduct, supply, lease and sale of water for fire, sanitary, municipal, mechanical, mercantile, manufacturing, domestic, commercial or agricultural purposes including the purpose of irrigation.

Objects and purposes.

§ 4. Said corporation may, for the purposes of its corporation, take water from the Niagara river between the points hereinbefore specified, and may discharge such water into the Niagara river at such points within or adjacent to the towns of Lewiston or Porter as it may select. It may intercept and divert the flow of water from the lands of riparian owners and from persons owning or interested in waters which may be necessary for the purposes of said corporation, and prevent the flow of impure water or matter from the lands of other persons or corporations into any canal, ditch, conduit, reservoir or other work of said corporation. It may build, erect, construct, dig and lay any canals, raceways, ditches, locks, piers, inlet piers, cribs, bulkheads, dams, gates, sluices, reservoirs, aqueducts, tunnels, conduits, pipes, culverts or other works, machinery or buildings of every kind and description, whatsoever, that may be necessary and convenient for any of its purposes.

Right to take water from river, etc.

Diversion of flow of waters.

Impure drainage.

Erection of canals, works, etc.

§ 5. Said corporation may enter upon and use the ground under any street, highway, road, railroad land or public ground in the towns

Right to enter upon streets.

public
lands, etc.

Bridges
over open
works.

Proviso as
to state
reserva-
tion.

Proceed-
ing in case
of dis-
agreement
with rail-
road com-
panies.

Title to
lands, how
acquired.

Pipes, etc.,
not to in-
terfere
with navi-
gation.

General
powers and
liabilities.

Directors.

By-laws.

Capital
stock,
how fixed

Subscrip-
tions to
capital.

Liability
of stock-
holders.

within which its operations are carried on for any of its purposes aforesaid, and may change, when necessary, the location or surface grade of any street, highway or road, and such right shall be continued for such purposes; provided further, that where the open canals or other open works of said corporation shall cross any street, highway, public road or ground, or railroad lands, said corporation shall construct and maintain suitable and proper bridges over its said works, and provided further that the power herein granted shall not be construed as permission to cross, intersect or infringe on the state reservation at Niagara. And in case said corporation can not agree with any railroad corporation whose road or lands it shall be proper or necessary to cross with its canals, raceways, or other works, upon the amount of compensation to be made therefor, or the point or manner of crossing, the same shall be determined in the mode provided for determining the manner of the crossing or intersecting of one railroad by another railroad, in and by the railroad law, being chapter five hundred and sixty-five of the laws of eighteen hundred and ninety.

§ 6. Said corporation may acquire title to such lands as may be necessary for the construction and maintenance of its canals and other works, and for the purposes of its incorporation, and for such purpose is vested with the right of eminent domain and with the general powers and privileges, and subject to the restrictions and liabilities contained in the railroad law aforesaid, and may construct, operate and maintain its said canals and other works for the purposes of said corporation as hereinbefore specified, provided that in case of pipes or tunnels under the waters of the Niagara river they are so laid and constructed as not to interfere with the navigation of said river.

§ 7. Said corporation shall possess the powers and privileges, be subject to the restrictions and liabilities contained in and be regulated by the following statutes so far as the same are applicable, to wit: The general corporation law, being chapter five hundred and sixty-three, laws of eighteen hundred and ninety; the stock corporation law, being chapter five hundred and sixty-four, laws of eighteen hundred and ninety; article seven of the transportation corporations law, being chapter five hundred and sixty-six of the laws of eighteen hundred and ninety.

§ 8. The number of directors of said corporation shall be nine. The persons named in section one of this act shall be the first directors of said corporation and shall hold their offices for one year and until their successors are elected and qualified. They shall have power to adopt by-laws for said corporation consistent with the laws of this state which shall continue in force until amended or altered by said corporation. As soon after the passage of this act as shall be practicable said directors shall meet, adopt said by-laws, elect such officers as shall be therein provided, determine the amount of capital stock and make duplicate certificates showing the amount thereof, and within ten days thereafter file one of said certificates in the office of the secretary of state and one in the office of the clerk of the county of Niagara.

§ 9. Books of subscription for the capital stock of said corporation shall be opened under the direction of and subject to such regulations as may be prescribed by the directors. The stockholders of said corporation shall be severally individually liable, to an amount equal to the amount of stock held by each of them respectively until the whole amount of the capital stock so held by them respectively shall have been paid in and a certificate showing such payment filed as herein-

after provided. The president and a majority of the directors shall within thirty days after the payment of the last installment of capital stock make a certificate in duplicate signed and verified by each of them respectively stating the amount of capital stock so fixed and paid in and shall within ten days thereafter file said certificate in the office of the secretary of state and the office of the clerk of the county of Niagara.

Certificate of full payment of capital.

§ 10. If the work of said corporation is not actually and in good faith begun within five years from and after the date and of the passage of this act, its corporate rights and powers shall cease and determine.

Work to begin within five years.

§ 11. The duration of said corporation shall be fifty years.

Duration of corporation.

§ 12. This act shall take effect the first day of May, eighteen hundred and ninety-one.

CHAP. 260.

AN ACT to establish a hospital in and for the city of Cohoes, and to provide for the erection, government and maintenance thereof.

APPROVED by the Governor April 25, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Ten days after the passage of this act the mayor of the city of Cohoes, by and with the advice and consent of the common council thereof, is hereby authorized to appoint eight citizens of said city four of which shall be chosen from each of the two principal political parties into which the citizens thereof are divided, two of whom shall be appointed for one year, two for two years, two for three years, and two for four years, and who shall constitute a commission with power and authority by this act to select a site in the city of Cohoes in the county of Albany, for the erection of a hospital, at which shall be received such persons as may require medical or surgical advice, aid or treatment, and where medicines may be provided and dispensed for their benefit, and where they may receive all necessary care and suitable medical and surgical treatment; and to do all things necessary in, pertaining to, and as now performed at other like institutions now existing. Nominations of commissioners made by the mayor of said city under provisions of this act unless rejected by the common council within thirty days after the names of said proposed commissioners are sent to it shall stand confirmed.

Commissioners, appointment of.

Nominations, when confirmed.

§ 2. After such site has been selected as aforesaid, the said commissioners are empowered by this act to take such property by purchase in the name of the city of Cohoes, after the city attorney shall have approved the validity of the title to the same. It is hereby made the duty of said city attorney to approve of such title whenever competent proof of valid title shall be presented to him.

Acquisition of property.

§ 3. The management and control of said hospital shall be under the direction of said commissioners.

Control of hospital.

§ 4. The said commissioners are hereby authorized to procure plans and estimates for the erection and to erect the necessary building or buildings of said hospital by contract, at a cost not to exceed the sum of twenty thousand dollars.

Erection of same.

§ 5. The common council of the city of Cohoes is hereby authorized, Certificates

of indebtedness, issued of.

Sale.

Disposition of proceeds.

Tax for certificates and interest.

Lease of buildings for hospital purposes.

Building for infectious and contagious diseases.

Annual estimate of expenses.

Tax for same.

Rules, etc.

Physicians and employees.

Terms for admission to hospital

Receipts from patients.

at such time or times and in such amounts within the limits of this section, as may be certified by said commissioners to be necessary, to borrow on the credit of said city, by issuing certificates of indebtedness of said city, a sum or sums not to exceed in the aggregate twenty thousand dollars. Such certificates shall be sealed with the seal of said city and signed by the mayor and clerk of said city and shall be payable with interest at a rate not to exceed four per centum per annum, not less than five, nor more than twenty years from date thereof. Said certificates shall be sold by the chamberlain of said city for not less than the par value thereof, at such times and in such manner as the said common council shall direct and the proceeds shall be deposited by said chamberlain to the credit of such fund as said common council shall direct and shall be applied solely to the purchasing of grounds, the erecting of building or buildings and the proper equipment of the same for said hospital. Said common council shall provide for the payment of such certificates by levying and collecting in the same manner as other city taxes are levied and collected such additional sum or sums as may be sufficient to pay said certificates and interest upon their maturity.

§ 6. In case of the inability of said commissioners to purchase grounds and to erect buildings as herein provided to their satisfaction or until such purchase is made and buildings are erected and ready for occupancy, said commissioners are authorized to enter into contract for the leasing of building or buildings suitable for the hospital purposes herein mentioned and situated within said city of Cohoes.

§ 7. If in the judgment of said commissioners it shall be deemed necessary at any time to make separate provision for the proper care and treatment of infectious or contagious diseases, they shall have power so to do by the purchase of a site and the erection of a building, or by the lease of site and building for that purpose; and such premises shall be deemed part of the hospital provided for by this act and subject to the same management and control, and the expense of purchasing, building, leasing and maintaining the same, shall be provided for by the said common council in the same manner as in this act specified, but the cost of both such site and building provided for by this section shall not exceed the sum of five thousand dollars.

§ 8. The said commissioners shall report annually before the second Tuesday of March in writing to the common council of the city of Cohoes an estimate of the sum or sums necessary for the maintenance of said hospital and for the rent of the same, if leased, and the sum or sums so reported shall be included in the annual tax levies of said city.

§ 9. The said commissioners shall make rules and regulations for the conduct and government of said hospital. They shall appoint all necessary physicians and surgeons, duly licensed as such, and shall fix their compensation; and they shall also appoint all necessary employees, nurses and servants and fix their compensation. They shall make all needful by-laws, rules and regulations for the government of the proceedings of said commissioners; and shall fix the terms for board and care and for medical and surgical treatment, upon which all persons who are able to pay therefor shall be admitted thereto. But no person shall be refused admission to said hospital because of his or her inability to pay.

§ 10. All moneys received from patients treated in said hospital shall be paid to the chamberlain of the city of Cohoes, to be credited to such fund as the common council of said city may direct.

§ 11. Vacancies in said commission shall be filled by the mayor, subject to confirmation by the common council whether the same occur from expiration of term or otherwise. Except as herein otherwise provided, the full term of a commissioner shall be four years, or until his successor shall have been appointed and confirmed as herein provided. Vacancies from causes other than expiration of term shall be filled for the remainder of the unexpired term. All vacancies shall be filled from the political party to which the retiring or deceased commissioner belonged. The commissioners shall serve without compensation and it shall be a misdemeanor for any commissioner to be interested directly, or indirectly, in any contract connected with the purchase, erection or maintenance of said hospital.

Vacancies and terms of commissioners.

Commissioners not to be interested, etc.

§ 12. This act shall take effect immediately.

CHAP. 261.

AN ACT to amend chapter two hundred and ninety-nine of the laws of eighteen hundred and eighty-three, entitled "An act to provide for the enrollment of the militia, for the organization and government of the national guard of the state of New York, and for the public defense, and entitled the Military Code."

APPROVED by the Governor April 25, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one hundred and forty-six of chapter two hundred and ninety-nine of the laws of eighteen hundred and eighty-three, entitled "An act to provide for the enrollment of the militia, for the organization and government of the national guard of the state of New York, and for the public defense, and entitled the Military Code," is hereby amended so as to read as follows:

Military code amended.

§ 146. Brevet commissions of a grade next higher than the ordinary or brevet commissions, held by officers of the national guard, or of any military organization duly organized under the laws of this state and may be conferred for a continuous term of service therein, if not less than fifty years, or for gallant and meritorious services therein, by the commander-in-chief, upon the recommendation of their superior commanding officers, or of the adjutant-general. Such brevets to carry with them only such privileges or rights of any kind as are allowed in like cases in the military service of the United States.

Brevet commissions.

§ 2. This act shall take effect immediately.

CHAP. 262.

AN ACT to regulate the execution and transfer of negotiable instruments given for a speculative consideration for farm products.

APPROVED by the Governor April 27, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Execution and transfer of certain notes, etc., regulated.

SECTION 1. Whenever any promissory note or other negotiable instrument shall be given, the consideration of which shall consist in whole or in part of the purchase-price of any farm product, at a price greater by four or more times than the fair market value of the same product at the time in the locality, or in which the consideration shall be in whole, or in part, membership of and rights in an association, company or combination to produce or sell any farm product at a fictitious rate or rates as aforesaid, or in which the consideration shall be in whole or in part a contract or bond to purchase or sell any farm product at a price greater by four times than the fair market value of the same product at the time in the locality, the words "given for a speculative consideration," or other words clearly showing the nature of the consideration, shall be prominently and legibly written or printed on the face of such note or instrument above the signature thereof; and such note or instrument in the hands of any purchaser or holder shall be subject to the same defenses as in the hands of the original owner or holder.

Misdemeanor.

§ 2. If any person shall take, sell or transfer any promissory note or other negotiable instrument not having such words or statement as hereinbefore specified written or printed legibly and prominently on the face of such note or instrument above the signature thereof, knowing the consideration of such note or instrument to consist in whole or in part of such speculative consideration as aforesaid, every such person or persons shall be deemed guilty of a misdemeanor.

§ 3. This act shall take effect immediately.

CHAP. 263.

AN ACT to amend section twenty-three hundred and twenty-five and section twenty-three hundred and twenty-seven of the Code of Civil Procedure, relating to the appointment of a committee of an incompetent person.

APPROVED by the Governor April 27, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-three hundred and twenty-five of the Code of Civil Procedure is hereby amended so as to read as follows:

Petition for appointment of committee for in-

§ 2325. The petition must be in writing, and verified by the affidavit of the petitioner, or his attorney, to the effect that the matters of fact therein stated are true. It must be accompanied with proof, by affidavit, that the case is one of those specified in this title. It must

set forth the names and residences of the husband or wife, if any, and of the next of kin and heirs of the person alleged to be incompetent; as far as the same are known to the petitioner, or can, with reasonable diligence, be ascertained by him, and also the probable value of the property possessed and owned by the alleged incompetent person, and what property has been conveyed during said alleged incompetency and to whom, and its value and what consideration was paid for it, if any, or was agreed to be paid. The court must, unless sufficient reasons for dispensing therewith are set forth in the petition or accompanying affidavit, require notice of the presentation of the petition to be given to the husband or wife, if any, or to one or more relatives of the person alleged to be incompetent, or to an officer specified in the last section. When notice is required, it may be given in any manner which the court deems proper; and for that purpose, the hearing may be adjourned to a subsequent day, or to another term at which the petition might have been presented.

competent persons.

Proceedings upon presentation thereof.

§ 2. Section twenty-three hundred and twenty-seven of the Code of Civil Procedure is hereby amended so as to read as follows:

§ 2327. Unless an order is made as prescribed in the last section, if it presumptively appears, to the satisfaction of the court from the petition and the proofs accompanying it that the case is one of those specified in this title, and that a committee ought, in the exercise of a sound discretion, to be appointed, the court must make an order directing either.

Order for commission, or for trial by jury in court.

1. That a commission issue, as prescribed in the next section to one or more fit persons designated in the order, or

2. That the questions of fact arising upon the competency of the person, with respect to whom the petition prays for the appointment of a committee, be tried by a jury at a trial term of the court; or, if the petition was presented to the supreme court at a term of the circuit court for a county specified in the order.

3. When it satisfactorily appears from the petition and accompanying affidavits that any person or persons having acquired from the alleged incompetent person, real or personal property during the time of such alleged incompetency without adequate consideration, the court may issue an order, with or without security restraining such person or persons from selling, assigning, disposing of or incumbering said property, or confessing judgment which shall become a lien upon said property, during the pendency of the proceeding for the appointment of a committee, and said order may in the discretion of the court be continued for ten days after the appointment of such committee. Notice of the execution of the commission shall be given to the person or persons enjoined in such manner as the court may direct.

Order restraining sale, etc., of property, during pendency of proceedings.

§ 3. This act shall take effect September first, eighteen hundred and ninety-one.

When to take effect.

CHAP. 264.

AN ACT to amend chapter four hundred and fifty-eight of the laws of eighteen hundred and eighty-four, entitled "An act to provide additional accommodations for the common schools in the city of New York," as amended and extended by chapter four hundred and ninety-four of the laws of eighteen hundred and eighty-five, chapter four hundred and fifty-six of the laws of eighteen hundred and eighty-six, chapter one hundred and thirty-six of the laws of eighteen hundred and eighty-eight, and chapter two hundred and fifty-two of the laws of eighteen hundred and eighty-nine.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 28, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sections
added to
act.

SECTION 1. Chapter four hundred and fifty-eight of the laws of eighteen hundred and eighty-four, entitled "An act to provide additional accommodations for the common schools in the city of New York," as amended and extended by chapter four hundred and ninety-four of the laws of eighteen hundred and eighty-five, chapter four hundred and fifty-six of the laws of eighteen hundred and eighty-six, chapter one hundred and thirty-six of the laws of eighteen hundred and eighty-eight and chapter two hundred and fifty-two of the laws of eighteen hundred and eighty-nine, is hereby amended by adding thereto the following sections, which shall be known as sections thirteen, fourteen, fifteen and sixteen:

Issue of
additional
school-
house
bonds.

§ 13. The comptroller of the city of New York is authorized, upon the application of the board of education of said city, and upon the approval of a majority of the board of estimate and apportionment of said city, to issue, in addition to the bonds authorized to be issued under and in pursuance of the provisions of the foregoing sections of this act as so amended and extended, bonds in the name and on behalf of the mayor, aldermen and commonalty of the city of New York, for a further amount not exceeding two million dollars, par value, to be known as school-house bonds.

When
issued and
payable.

§ 14. Said further additional bonds shall be issued from time to time as they may be required by the said board of education, shall be payable from taxation and shall run for such term or terms of years as the said comptroller shall direct, but no longer than twenty years, and shall draw interest at not more than three and one-half per centum per annum.

Interest.

Proposals
for pur-
chase of
bonds.

§ 15. Whenever said further additional bonds shall be issued the comptroller of the city of New York shall invite proposals therefor, by public advertisement for not less than ten days, and shall award the same to the highest bidder, provided that no proposal or proposals for said bonds shall be accepted for less than the par value of the same; and said proposals shall be publicly opened by the comptroller in the presence of the commissioners of the sinking fund, or such of them as shall attend at the time and place specified in said advertisement. The said comptroller, with the approval of said commissioners, shall determine what, if any, part of said proposals shall be

Award
thereof.

accepted, and upon the payment into the city treasury of the amounts due by the persons whose bids are accepted, respectively, certificates therefor shall be issued to them as authorized by law.

§ 16. The proceeds of said further additional bonds, when received, shall forthwith be deemed appropriated for the purchase of new school sites, for the erection of new school buildings, for additions to school buildings already erected, and for fitting up and furnishing the same, for the use of the common schools of the said city of New York, as the board of education of said city shall determine, and shall be thereafter disbursed by the comptroller of the city of New York, in payment of the liabilities incurred by the said board of education for the purposes aforesaid, upon the requisition of said board and in the same manner as other moneys appropriated for the maintenance of the common schools in said city are usually paid out.

Proceeds,
how ap-
plied and
disbursed.

§ 2. This act shall take effect immediately.

CHAP. 265.

AN ACT to amend chapter fifty-two of the laws of eighteen hundred and seventy-two, entitled "An act to incorporate the Delhi Water Company."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 28, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of said act is hereby amended so as to read as follows:

§ 4. The business of said company shall be managed by seven directors, who shall be stockholders, and a majority of whom shall be residents of the town of Delhi, in Delaware county, and who shall hold their offices for one year, and until others are chosen in their places. The annual election of directors shall be held on the first Monday of July in each year at such place in the village of Delhi and at such hour in the day as the directors shall appoint. Notice of such election shall be published once in each week for two weeks immediately preceding such election, in a newspaper published in the village of Delhi. Each stockholder shall be entitled to one vote upon each whole share that shall have been paid to the company on the stock held by him or her at the time of such election. The election shall be by ballot, and votes may be given either in person or by proxy.

Directors.

Annual
election
thereof.

§ 2. This act shall take effect immediately.

CHAP. 266.

AN ACT to amend chapter nine hundred and twenty-one of the laws of eighteen hundred and sixty-seven, entitled "An act to incorporate the Peekskill Iron Molders' Association."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 28, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter amended.

SECTION 1. Section one of chapter nine hundred and twenty-one of the laws of eighteen hundred and sixty-seven, entitled "An act to incorporate the Peekskill Iron Molders' Association" is hereby amended so as to read as follows:

Corporators.

§ 1. Hiram Blanchard, Herman Engel, Smith A. Barker, John A. Teale, William E. O'Neill, William J. Lillis, Philip Smith, William Robertson, Hugh Downey, William A. Broadie, and Henry Wiley, and such other persons as shall hereafter be associated with them or with their successors, are hereby constituted and created a body corporate by the name of the "Peekskill Iron Molders' Association," whose object is hereby declared to be charitable and instructive, embracing the relief of its needy and unfortunate members, and the advancement of the intelligence and prosperity of the association, and for the perfection of the art of iron molding; which said corporation shall continue fifty years.

Corporate name and objects.

Existence.

§ 2. This act shall take effect immediately.

CHAP. 267.

AN ACT to authorize change of gauge on railroads and to provide for an increase of floating and bonded indebtedness.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 28, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Change of gauge.

SECTION 1. Any railroad company incorporated under chapter one hundred and forty of the laws of eighteen hundred and fifty, entitled "An act to authorize the formation of railroad corporations and to regulate the same," and acts amendatory thereof and supplementary thereto, may change the gauge of its road on consent of the board of railroad commissioners and approval of the stockholders of said railroad company owning three-fourths in amount of the capital stock, said approval of said stockholders to be made at a special meeting of the stockholders of said company called for that purpose; and upon like consent of said board of railroad commissioners, and upon like approval of the stockholders of said railroad company owning three-fourths in amount of the said capital stock of said company, the floating and bonded indebtedness of said railroad company may be increased to an amount necessary to make such change of gauge and to

Increase of indebtedness.

provide for the operating expenses of said railroad, notwithstanding restrictions or limitations contained in the original certificate of incorporation of said railroad company.

§ 2. This act shall take effect immediately.

CHAP. 268.

AN ACT in relation to the office of sheriff in the county of Columbia.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 28, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The sheriff of Columbia county shall receive his fees and perquisites in all civil cases in which the same are to be paid by private persons, and in addition thereto he shall receive an annual salary of three thousand dollars, to be paid quarterly by the treasurer of Columbia county, in full of all fees or other compensation from the county of Columbia, and he shall not receive from the county of Columbia any fees, compensation or perquisites of any kind or nature whatsoever, excepting only his aforesaid salary, from which he shall pay all such assistants, other than those whose salaries are herein specially provided for, as shall be proper to enable him to conveniently exercise the duties of his office, and in consideration of which he shall do and perform all duties now or which may hereafter be imposed by law upon him without fee or reward from the county of Columbia, although the statute or law imposing such duties may provide that a fee or other compensation be paid therefor, but he shall be entitled for the transportation of juvenile delinquents and any other person whom he is required by law to transport where the cost of such transportation is made by law a county charge, the sum of twenty dollars, if but one be so transported; and for each additional one transported at the same time the sum of ten dollars. The aforesaid disbursements shall be fixed, allowed, audited and paid by the county treasurer of Columbia county, when bills therefor shall be presented by the sheriff, in the form and verification required by law in the case of claims presented to the board of supervisors of Columbia county. The sheriff shall receive from the county treasurer and be allowed for a jailer to be employed in the jail in the city of Hudson the sum of nine hundred and sixty dollars a year, to be paid in monthly payments. The said jailer shall, in addition to his other duties to be prescribed by the sheriff, keep, under the supervision and direction of said sheriff, the "jailer's docket" of prisoners hereinafter mentioned. Said jailer shall reside in the dwelling-house connected with the jail, which shall be kept in suitable repair by the county of Columbia, but which shall not be furnished by the county; but the sheriff's and jailer's office shall be furnished by or at the expense of the county of Columbia. The sheriff shall also receive from the county treasurer and be allowed for a night watchman at the jail the sum of six hundred dollars a year, and for a cook and other servant together, the sum of two hundred and sixty dollars a year, which sum shall be paid in monthly payments.

sheriff's salary, fees in civil cases.

Payment by him of certain assistants.

Fees for transportation of persons.

Allowance for jailer.

Jailer's duties and residence.

Allowance for watchman, cook, etc.

Jailer's
docket.

§ 2. It shall be the duty of the sheriff to cause to be kept at the jail a book, to be indorsed and known as the "jailer's docket," which book shall be numbered consecutively and suitably lined and arranged in columns, as follows: At the top of the first column shall be the word "no."; at the top of the second column the word "name"; at the top of the third column the words "date of commitment," under which word shall be left a space for the insertion of the year, and thereunder such column shall be divided into one space for the month, another for the day of the month, and a third for the hour of the day at which prisoners shall be received at the jail. Over the fourth column shall be the words "offense charged"; over the fifth the words "authority committing"; over the sixth the words "date of discharge," which last mentioned column shall be divided into spaces the same as the third column. Over the seventh column the words "by what authority discharged"; over the eighth column "where sent"; over the ninth column the words "term of confinement in the jail," under which shall be the words "days" and "hours" over respectively two divisions of said ninth column; over the tenth column the word "remarks." It shall be the duty of the sheriff to cause to be written in said book in clear, intelligible hand in the first column consecutive numbers, beginning with number one, one for each person committed to the jail; in the second column the name of the person committed; in the third column, in the respective subdivision thereof, the month, day of the month and hour when such person is received at the jail, and at the top of said column the year; in the fourth column the nature of the offense with which he is charged; in the fifth column the name of the court or magistrate committing him; in the sixth column, in like manner as in the third, the year, month, day and hour of his discharge or removal from the jail; in the seventh column the name of the court or magistrate by whose sentence or authority the prisoner is removed from the jail; in the eighth column the name of the place or institution to which the prisoner is sentenced or committed; in the ninth column the number of days and hours during which such prisoner shall have been confined in jail. The sheriff is authorized to have a blotter or entry book in which the aforesaid matters may be first and forthwith entered, and thereafter and at all times within one week after such entries shall be made in the blotter the same shall be more carefully transcribed into the aforesaid book known as the "jailer's docket."

Entries
therein.

Blotter or
entry
book.

Entries,
regulated.

Liability of
sheriff for
entries in
violation
hereof.

§ 3. All entries relating to any one person while he shall be in custody for any one offense or on a charge thereof or committed for examination in respect thereto, or as a witness, shall be made at one place and together in the jailer's docket and under or following one entry of his name therein, and the sheriff shall in addition to any criminal prosecution be liable in the sum of one hundred dollars for every case in which an entry is made in said jailer's docket in violation of this, or the preceding section, whether the entry be made by him or not, which sum may be collected by suit for the benefit of the county by the county treasurer in his name of office or by any taxpayer of the county for its benefit.

Preserva-
tion of
commit-
ments
and dis-
charges.

§ 4. The sheriff shall file and preserve in his office all commitments of prisoners thereto, and all discharges of prisoners therefrom. Whenever any prisoner shall be sentenced by any magistrate or by any court, it shall be the duty of such magistrate or the clerk of the court, if there be one, to forthwith deliver to the sheriff two duplicate commitments, one of which the sheriff shall deliver with the prisoner to

Duplicate

the officer or institution to which the prisoner is thereby committed, and the other of which with a proper receipt for such prisoner indorsed thereon or attached thereto, shall be filed and preserved by the sheriff in the jail. Whenever a prisoner shall be discharged or set free by any magistrate or court, it shall be the duty of such magistrate or court or clerk of court, if there be one, forthwith to deliver to the sheriff a certificate stating that such prisoner was discharged and set free, and giving the date and hour of such discharge, which said certificate shall be filed by the sheriff and preserved in his office. The aforesaid commitments, discharges and certificates shall be by the sheriff or jailer properly indorsed with the name of the person, the date and character of the instrument, and shall be numbered to correspond with the number of such person in the jailer's docket; be arranged in order and carefully preserved and constitute public records; and any officer, magistrate or clerk neglecting to deliver the same to the sheriff or jailer, or at the jail, for more than forty-eight hours after such commitment or discharge, shall be liable to a fine for each such neglect of ten dollars, to be collected by the sheriff for his own use, and it shall be the duty of the sheriff to enforce the provisions of this section.

commitments and certificates of discharges to be furnished.

Indorsement and preservation thereof.

Penalty for neglect to deliver same.

§ 5. The sheriff shall keep a proper book or books to be indorsed "civil docket" and numbered consecutively, in which he shall enter the title of all actions, suits and proceedings in which any process or mandate shall be received, served or acted upon by him, or in which he shall render any services. He shall also state therein the action taken by him and the date or dates thereof which books shall be kept and remain in the sheriff's office. All the aforesaid books shall belong to and be paid for by the county of Columbia.

Civil docket.

§ 6. It shall be the duty of the sheriff to provide for the prisoners in the jail the kind and quality of food prescribed by law. Such food shall be supplied only upon requisitions in writing addressed to the person supplying the same, made upon printed blanks, signed by the sheriff and dated, specifying in detail the amount by weight or measurement, and the quality and kind of food required. At the time of the delivery of the food under such requisition, a receipt for the same shall be indorsed upon such requisition and signed by the sheriff. The sheriff shall cause to be kept accurate books of account, showing in detail all food for which requisitions are issued and the dates at which it was received, and such books shall be the property of the county and shall always be open to public inspection. The bills for all food or provisions furnished under this act shall be made out in the form and with the verification required in the case of claims against the county of Columbia, to be presented to the supervisors thereof, and shall be certified to be correct by the sheriff and shall, together with the requisitions and receipts aforesaid attached thereto, be presented to the treasurer of Columbia county, and shall be examined by him, and if just and proper shall be paid by him if certified and accompanied with the aforesaid requisitions and receipts, but not otherwise, but the amount expended by the sheriff shall not exceed two dollars and fifty cents per week for the board of each and every prisoner.

Food for prisoners, and how supplied.

Books of account to be kept.

Bills for food, how made out and paid.

Amount limited.

§ 7. It shall be the duty of the sheriff to make a report in tabulated form to the county treasurer of Columbia county on the first day of each month, in which he shall state the name of each prisoner confined in the jail during the previous month, and the number of days and hours of such month that he was confined therein, and the aggre-

Monthly report to treasurer.

Separate statement as to U. S. prisoners.

gate number of days and hours of confinement of the entire number of prisoners confined therein. He shall also make a like statement separately as to all United States prisoners confined in said jail, and shall account and pay over to the county treasurer all moneys received from the United States therefor. He shall state the total aggregate number of days and hours of such month during which the whole number of prisoners in said jail were confined therein. He shall also state the quantity and quality of each kind of food purchased for the prisoners during the preceding month, and the price thereof, and the respective persons, firms or corporations from whom the several articles were purchased. He shall also state the average cost per day of maintaining a prisoner in said jail during such preceding month.

Duty of county treasurer.

§ 8. It shall be the duty of the county treasurer immediately after the first day of November in each year, to ascertain the total amount of each kind of food for which requisitions were made and which was receipted for during the previous year, and the cost thereof, and also the total aggregate number of days and hours for which the prisoners were during such year confined in the jail, and the average cost per day of each prisoner. The county treasurer shall transmit to the board of supervisors at its annual meeting, a summary in tabular form of each of the several matters stated in the aforesaid reports of the sheriff, and of the computations made by said county treasurer of the cost of maintaining the prisoners in the jail for the year preceding the first of November prior to such meeting, and the same shall be printed in the minutes of said board.

Report to supervisors.

Meals for juries, clerk of court to certify as to.

§ 9. Whenever it shall be proper that any jury in Columbia county shall, pending a trial or during their deliberation in any case, receive food or nourishment at the expense of the county, in some proper hotel or other suitable place, it shall be the duty of the clerk of the court to certify, under the title of the cause or matter in which such jury has been drawn, that such jury pending its deliberations was necessarily supplied with certain meals, specifying the same, and the dates upon which they were supplied, and to deliver such certificates to the sheriff. The sheriff shall attach thereto his bill for the expenses incurred by him in providing food for such juries, which bill shall be made out in the form, and shall be verified in the manner required in the case of bills presented to the supervisors of Columbia county. Said bill, when presented to the treasurer of Columbia county, accompanied with said certificate, shall be examined and allowed by him at a proper sum, and paid from the county treasury, not to exceed, however, one dollar per meal for each person.

Bill for expenses, how made out and paid

Jail calendar.

§ 10. Whenever any court of oyer and terminer, or court of sessions shall be held in the city of Hudson, it shall be the duty of the sheriff of Columbia county to furnish to such court a jail calendar in which shall be stated in addition to such other matters as may be required by law or as the court may, by its order direct, the names of all persons confined in said jail, excepting only United States prisoners. He shall state also the cause of such commitment to the jail, and the period of the person's confinement therein. It shall be the duty of the district attorney, at the opening of the court and at each session of the court of special sessions, to bring the matter specially to the attention of the court, and said court shall thereupon proceed to examine such calendar and investigate and inquire into such cases. And whenever there appears to be no sufficient legal reason for the further detention of any person in said jail, the court shall direct that he be

Examination and discharge therefrom.

discharged therefrom. Nothing in this act shall be construed as affecting the fees of the sheriff for the summoning of witnesses and the serving of warrants in all criminal cases, or the summoning of the grand jurors the fees for which are now allowed by law. The sheriff shall be allowed, for the care of the court-house, jail and court-yard, the sum of two hundred dollars.

Certain fees not affected.

Care of property, allowance for.

§ 11. No tramp or vagrant, convicted or sentenced by any magistrate in the county of Columbia, shall, by any residence in the Columbia county jail gain a residence in said county, nor shall the time of his residence in said jail be in any way considered in any case in determining his residence.

Tramps not to gain residence.

§ 12. Nothing in this act contained shall relieve the sheriff of Columbia county from any duties, obligations or services now or that may hereafter be imposed by law upon him.

Proviso as to duties, etc., of sheriff.

§ 13. This act shall take effect immediately.

CHAP. 269.

AN ACT to authorize the erection of buildings for school purposes in the city of Brooklyn and to provide the means therefor.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 28, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The mayor, comptroller and city clerk of the city of Brooklyn are hereby authorized, subject to the restrictions hereinafter contained and at the times hereinafter prescribed, to prepare and to issue bonds of the said city, to be called "school building bonds," signed sealed and countersigned in the same manner as other bonds of the said city and to bear interest at the rate not to exceed three per centum per annum payable semi-annually. During the year eighteen hundred and ninety-one there may be so issued of such bonds an amount in the aggregate not to exceed the sum of two hundred and fifty thousand dollars, and during the year eighteen hundred and ninety-two there may be so issued of such bonds an amount in the aggregate not to exceed the sum of two hundred and fifty thousand dollars. The said bonds shall be issued in separate series of one hundred thousand dollars respectively, and so as to fall due and become payable in not less than twenty-five nor more than thirty years from their respective dates. None of said bonds shall be sold at less than par value thereof, and all of said bonds shall be exempt from local taxation. The proceeds received from the sale of said bonds shall be deposited in the treasury of said city to the credit of a fund to be known as the "school building fund," and shall be paid out from time to time as provided in the second section of this act for the erection of school-buildings upon sites owned by or hereafter to be acquired by the city of Brooklyn for the erection of school buildings thereon. The proceeds of the said bonds shall not be used for any other purpose save for the erection of such school buildings or for the making of additions to school buildings in the city of Brooklyn. But before any such payment is made the board of education of said city shall furnish to the mayor and cause to be filed with the comptroller of said city a

School building bonds, issue of.

Sale and disposition of proceeds thereof.

Statement to be filed before

payments made. detailed statement showing for what purpose or object or upon what account the payment is required.

Erection of school buildings, etc. § 2. The board of education of the city of Brooklyn is hereby authorized and empowered from time to time, with the approval of the mayor, to erect such school buildings or to make additions to such school buildings as may in their judgment be necessary and proper for school purposes. The money required to pay for such buildings and such additions as aforesaid, and to meet all expenses incidental thereto, shall be paid out of the proceeds of said bonds upon the requisition of the president of the board of education with the approval of the mayor of said city.

Repeal. § 3. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 4. This act shall take effect immediately.

CHAP. 270.

AN ACT to amend chapter five hundred and eighty-three of the laws of eighteen hundred and eighty-eight, entitled "An act to revise and combine in a single act all existing special and local laws affecting public interests in the city of Brooklyn," in relation to the department of health.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 28, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

City charter amended.

SECTION 1. Section thirty-eight of title fourteen of chapter five hundred and eighty-three of the laws of eighteen hundred and eighty-eight is hereby amended so as to read as follows:

Tenement-house and lodging-house, defined.

§ 38. A tenement house within the meaning of this act shall be taken to mean and include every house, building or portion thereof which is rented, leased, let or hired out to be occupied, or is occupied as the home or residence of three families or more, living independently of each other, and doing their cooking upon the premises, or by more than two families upon a floor, so living and cooking, but having a common right in the halls, stairways, yards, water-closets or privies, or some of them. A lodging-house shall be taken to mean and include any house or building, or portion thereof, in which persons are harbored or received, or lodged for hire for a single night, or for less than a week at one time, or any part of which is let for any person to sleep in for any term less than a week. A cellar shall be taken to mean and include every basement or lower story of any building or house of which one-half or more of the height from the floor to the ceiling is below the level of the street adjoining.

Cellar, defined.

§ 2. This act shall take effect immediately.

CHAP. 271.

AN ACT making an appropriation for building a new wall and repairing walls on the Glens Falls feeder of the Champlain canal.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 28, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of six thousand dollars, or so much thereof as ^{Appropriation.} may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of constructing a wall at the head of the guard lock on the Glens Falls feeder of the Champlain canal, and for repairing the wall and structures on the said Glens Falls feeder, and the state treasurer is hereby directed to ^{How payable.} pay the above amount, upon the warrant of comptroller, to the order of the superintendent of public works, for the purposes herein specified.

§ 2. This act shall take effect immediately.

CHAP. 272.

AN ACT to provide for deepening and improving the channels of Black creek, and providing additional means for drainage in the northern part of the town of Clarence, in the county of Erie, and making an appropriation therefor.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 28, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of two thousand three hundred dollars or so ^{Appropriation.} much thereof as may be necessary, is hereby appropriated, for the purpose of cleaning out, deepening and improving the channel of Black creek, and providing additional means for drainage where necessary in the northern part of the town of Clarence, in the county of Erie, in order to drain the lands in the town of Clarence, aforesaid, overflowed by backwater at spring, summer and fall floods occasioned by the erection of the state dams for canal purposes across Tonawanda creek, and by the construction of state ditches.

§ 2. The money hereby appropriated for the purposes aforesaid shall ^{How payable.} be payable by the state treasurer, on the warrant of the comptroller, to the superintendent of public works, to be expended by him for the purposes mentioned in section one of this act, if in his judgment, there is a legal or equitable obligation on the part of the state to perform such work.

§ 3. This act shall take effect immediately.

CHAP. 273.

AN ACT to authorize the board of estimate and apportionment of the city of New York to examine the claim of Elliot Sandford and A. J. Dittenhoefer, and to make appropriation for the same or any part thereof which shall be justly due.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 28, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Examination of claim.

Appropriation for payment of same.

How payable.

SECTION 1. The board of estimate and apportionment of the city of New York is hereby authorized, in its discretion, to examine the claim of Elliot Sandford and A. J. Dittenhoefer, arising for legal services rendered as attorneys to Nicholas Haughton and John J. Morris, acting as commissioners of excise for the city of New York, between the seventh day of July, eighteen hundred and eighty-six, and the ninth day of March, eighteen hundred and eighty-seven. If it shall satisfactorily appear to the said board of estimate and apportionment that such services were actually rendered, and that said claim is founded in equity and justice, then the said board of estimate and apportionment is hereby authorized, in its discretion, to make an appropriation for the payment of the same or any part thereof; and said sum so appropriated shall be paid by the comptroller of said city out of the moneys derived from or received by the board of commissioners of excise of said city, from the granting of licenses as permitted by chapter one hundred and seventy-five, laws of eighteen hundred and seventy, and the acts amendatory thereto, and chapter three hundred and forty, laws of eighteen hundred and eighty-three.

§ 2. This act shall take effect immediately.

CHAP. 274.

AN ACT relative to Mount Hope cemetery of the city of Rochester.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 28, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The commissioners of the Mount Hope cemetery of the city of Rochester are hereby authorized and empowered to erect and suitably inscribe an appropriate monument in said cemetery to mark the resting place of the six unidentified victims of the fire which destroyed the steam gauge and lantern works in said city, on the night of November ninth, eighteen hundred and eighty-eight, and to expend out of any undesignated moneys in their hands such sums as may be necessary therefor, not exceeding five hundred dollars.

§ 2. This act shall take effect immediately.

CHAP. 275.

AN ACT to establish Cathedral parkway by widening and enlarging One Hundred and Tenth street between Seventh avenue and Riverside park so as to conveniently connect thereby, and by appropriate entrances in connection therewith, Central park, Morningside park, and Riverside park in the city of New York, and to repeal chapter five hundred and eighty of the laws of eighteen hundred and eighty-seven and chapter four hundred and twenty-four of the laws of eighteen hundred and eighty-eight, relative to the same improvement.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 28, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. One Hundred and Tenth street in the city of New York between Seventh avenue and Riverside park is hereby widened and enlarged so as to provide sufficient and convenient means of communication between Central park, Morningside park and Riverside park in said city and sufficient and appropriate entrances for said parks in connection therewith. The said street as so widened and improved shall be hereafter known as and designated Cathedral parkway. The said street shall be widened and enlarged by including therein all the following described pieces or parcels of land.

Widening
of street.

Street,
how design-
ated.

PARCEL "A."

Beginning at the northeasterly corner of Eighth avenue and One Hundred and Tenth street and running thence northerly along the easterly line of Eighth avenue, one hundred and twenty-nine feet; thence southeasterly one hundred and sixty and thirty-two hundredths feet on the arc of a circle having a radius of one hundred and forty-two feet until the same meets a line drawn parallel with the northerly side of One Hundred and Tenth street and distant thirty feet northerly from the northerly line from One Hundred and Tenth street the center of which said arc lies southwesterly of the northeast corner of Eighth avenue and One Hundred and Tenth street and whose radius drawn to the northern extremity of the preceding course forms an angle of eight degrees, eighteen minutes forty-one seconds with the eastern line of Eighth avenue; thence easterly along the said line drawn parallel with and distant thirty feet northerly from the northerly side of One Hundred and Tenth street to the westerly line of Seventh avenue; thence southerly along the western line of Seventh avenue thirty feet to the northerly line of One Hundred and Tenth street thence westerly along the northerly line of One Hundred and Tenth street, seven hundred and seventy-five feet to the point of beginning.

Parcel A,
therefor.

PARCEL "B."

Beginning at the northwesterly corner of Eighth avenue and One Hundred and Tenth street, running thence northerly along the westerly side of Eighth avenue seventy-five feet; thence southwesterly to the northerly side of One Hundred and Tenth street along the cir-

Parcel B.

cumference of a circle which will intersect a line drawn from the said northwesterly corner of Eighth avenue and One Hundred and Tenth street, between the westerly side of Eighth avenue and the northerly side of One Hundred and Tenth street at an angle of forty-five degrees with the westerly side of Eighth avenue and of forty-five degrees with the northerly side of One Hundred and Tenth street at a distance of about fifty feet from the said northwesterly corner of Eighth avenue and One Hundred and Tenth street, and which said circumference of said circle, as aforesaid, will intersect the northerly side of One Hundred and Tenth street, at a distance of seventy-five feet from the said northwesterly corner of Eighth avenue and One Hundred and Tenth street; thence easterly along the northerly side of One Hundred and Tenth street seventy-five feet to the point or place of beginning.

PARCEL "C."

Parcel C.

Beginning at a point on the westerly side of Eighth avenue distant one hundred and thirty feet south of the southerly line of One Hundred and Tenth street and running thence northwesterly one hundred and sixty-six feet and thirteen thirty-seconds of an inch on the arc of a circle whose center lies on the westerly line of Eighth avenue, drawn across One Hundred and Tenth street and distant seventeen and forty-eight one-hundredths feet north of the southerly line of One Hundred and Tenth street, thence westerly on a line parallel with the southerly line of One Hundred and Tenth street and distant forty-six feet therefrom, two hundred and thirty-six feet ten and eleven-sixteenths inches to the easterly line of Manhattan avenue; thence northerly along the easterly line of Manhattan avenue forty-six feet to the southerly line of One Hundred and Tenth street; thence along the southerly line of One Hundred and Tenth street three hundred and seventy feet to the westerly line of Eighth avenue; thence southerly along the westerly line of Eighth avenue one hundred and thirty feet to the point or place of beginning.

PARCEL "D."

Parcel D.

Beginning at a point on the westerly side of Manhattan avenue, distant forty-six feet southerly from the southerly side of One Hundred and Tenth street, and running thence westerly on a line drawn parallel with the southerly side of One Hundred and Tenth street, and distant forty-six feet southerly therefrom to the easterly side of Ninth avenue; thence northerly along the easterly side of Ninth avenue forty-six feet to One Hundred and Tenth street, and thence easterly along the southerly side of One Hundred and Tenth street to Manhattan avenue, and thence southerly along the westerly side of Manhattan avenue forty-six feet to the point of beginning.

PARCEL "E."

Parcel E.

Beginning at a point on the westerly side of Ninth avenue distant twenty feet southerly from the southerly side of One Hundred and Tenth street and running thence westerly on a line drawn parallel with the southerly side of One Hundred and Tenth street, and distant twenty feet southerly therefrom to the easterly side of Tenth avenue, thence northerly along the easterly side of Tenth avenue twenty feet to One Hundred and Tenth street and thence easterly along the southerly side of One Hundred and Tenth street to Ninth avenue, and thence southerly along the westerly side of Ninth avenue twenty feet to the point of beginning.

PARCEL "F."

Beginning at a point on the westerly side of Tenth avenue distant Parcel F. twenty feet southerly from the southerly side of One Hundred and Tenth street and running thence westerly on a line drawn parallel with the southerly side of One Hundred and Tenth street distant twenty feet southerly therefrom to the easterly side of the road or drive, otherwise known as the "Boulevard;" thence northerly along the easterly side of said road or public drive twenty feet to One Hundred and Tenth street, and thence easterly along the southerly side of One Hundred and Tenth street to Tenth avenue and thence southerly along the westerly side of Tenth avenue twenty feet to the point of beginning.

PARCEL "G."

Beginning at a point on the westerly side of the Boulevard or road Parcel G. and public drive distant twenty feet southerly from the southerly side of One Hundred and Tenth street, running thence westerly on a line parallel with the southerly side of One Hundred and Tenth street and distant twenty feet southerly therefrom three hundred and twenty-two feet; thence southerly one hundred and forty-five and thirty-four one-hundredths feet to a point thirty-three feet north of the northerly side of One Hundred and Ninth street on a line drawn parallel with the easterly side of Riverside avenue, and ten feet easterly therefrom; thence southerly along the said line drawn parallel with the easterly side of Riverside avenue and distant ten feet easterly therefrom thirty-three feet to the northerly side of One Hundred and Ninth street; thence westerly along the northerly side of One Hundred and Ninth street, ten feet to the easterly side of Riverside avenue; thence northerly along the said easterly side of Riverside avenue to the southerly side of One Hundred and Tenth street; thence easterly along the southerly side of One Hundred and Tenth street, three hundred and seventy-five feet to the westerly side of the Boulevard or road and public drive; thence southerly along the westerly side of the Boulevard or road and public drive, twenty feet to the point or place of beginning.

PARCEL "H."

Beginning at a point on the northerly side of One Hundred and Tenth street, distant two hundred and ninety-five feet westerly from the northwesterly corner of One Hundred and Tenth street and the Boulevard or road and public drive running thence westerly along the said northerly line of One Hundred and Tenth street, eighty feet to the easterly side of Riverside avenue; thence northerly along the easterly side of Riverside avenue, one hundred and ninety-one feet ten inches to the southerly side of One Hundred and Eleventh street; thence easterly along the southerly side of One Hundred and Eleventh street, fifteen feet; thence southerly and parallel with the easterly side of Riverside avenue fifty-seven and fifty-eight one-hundredths feet; thence southeasterly one hundred and fifty and eighty-three one-hundredths feet to the point or place of beginning.

§ 2. It shall be the duty of the counsel to the corporation of said city within three months after the passage of this act, to take the necessary means and proceedings to acquire title to the said parcels of land above described, and all the laws in force in said city in relation to the opening and improvement of streets and avenues, and public places, and the payment and the assessment of the expenses thereof

Proceed-
ings to ac-
quire title
to parcels.

Assessment of expenses.

shall apply to said street, provided, however that the commissioners of estimate and assessment who may be appointed in pursuance of this act may assess for such opening or widening, enlargements and improvements, all such parties and persons, lands and tenements which they may deem to be benefited thereby to the extent which said commissioners deem such parties, persons, lands and tenements benefited thereby but not in any case exceeding one-half the value of the lands and tenements as valued by the assessors of the ward in which said lands are situated, and also provided that the said commissioners may also assess such part of the expenses or damages as they may deem reasonable, not exceeding one-half of such expense or damage upon the mayor, aldermen and commonalty of the city of New York, by reason of such widening and improvement being of general benefit and facilitating communication between Central, Morningside and Riverside parks, and establishing convenient and appropriate entrances to the said several parks.

Use as a public square or place.

§ 3. No portion of the said One Hundred and Tenth street, when so widened and enlarged, or said entrances to said several parks shall be used for any other purpose than that of a public square or place, nor shall any portion thereof be used for any stable, stand or erection or encumbrance of any kind, but the same, and every portion thereof within the limits aforesaid, except as far as the same are necessary for the operation and maintenance of the elevated railroad now in said streets, between Eighth and Ninth avenues, shall be kept free and clear for the passage of the public, and as respects its use and improvement, shall be under the exclusive control and management of the department of public parks, which is hereby authorized upon the acquisition of title thereto by the city of New York, as herein provided to take possession thereof for the purposes in this act authorized and to make such rules and regulations in respect to its use not inconsistent with the provisions of this act as it may deem proper.

Control thereof.

Laws repealed.

§ 4. Chapter four hundred and twenty-four of the laws of eighteen hundred and eighty-eight, entitled "An act to amend chapter five hundred and eighty of the laws of eighteen hundred and eighty-seven, entitled, 'An act authorizing the mayor, aldermen and commonalty of the city of New York to establish a public place adjacent to Central park at One Hundred and Tenth street and Eighth avenue by widening Eighth avenue between One Hundred and Ninth and One Hundred and Eleventh streets, and One Hundred and Tenth street between Eighth avenue and the new avenue next westerly therefrom, in the city of New York,' so as to authorize the alteration of the shape of a public place therein described, and the widening of One Hundred and Tenth street from Eighth avenue to Riverside park," approved May twenty-eighth, eighteen hundred and eighty-eight, and the said amended act, chapter five hundred and eighty, laws of eighteen hundred and eighty-seven, are hereby repealed.

§ 5. This act shall take effect immediately.

CHAP. 276.

AN ACT to provide for a board of street commissioners in and for the city of Hudson and to define its powers.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 28, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The mayor of the city of Hudson shall have authority and he is hereby required, upon the passage of this act, to appoint six citizens taxpayers of said city, of good repute, not members of the common council, street commissioners, two of whom shall serve until January first, eighteen hundred and ninety-two, two of whom shall serve until January first, eighteen hundred and ninety-three, and two of whom shall serve until January first, eighteen hundred and ninety-four, and thereafter on the first day of January or within thirty days thereafter, in each year, the said mayor shall in like manner appoint two street commissioners, for a term of three years from such first day of January. Said board shall at all times be non-partisan in composition, and such commissioners shall be appointed from each of the two leading political parties, in such manner as to maintain the non-partisan character of the board. The commissioners so appointed shall constitute the board of street commissioners of the city of Hudson. No member of the common council shall be a street commissioner. If at any time a person duly appointed as a street commissioner by the mayor shall neglect or refuse to qualify as a street commissioner, the mayor shall appoint another citizen of good repute as such commissioner, and continue so to do until an appointment is accepted. Any vacancy which may from any cause occur in said board shall forthwith be filled by appointment by the mayor in the manner hereinabove provided. A person appointed to fill a vacancy in an unexpired term shall be appointed for the remainder of such unexpired term. Each commissioner, before entering upon the discharge of his duties, shall take and subscribe the oath of office prescribed by law, and file the same with the clerk of said city, and shall execute and deliver to said clerk to be approved by the mayor as to form and sufficiency, a bond to the city of Hudson in the sum of five thousand dollars, conditioned for the faithful discharge of the duties of his office, and for the faithful application of all public moneys coming into their hands, and for the preservation of all public property entrusted to them, and for its immediate delivery to their successors upon the expiration of their respective terms. The said oath shall be filed, and the said bond delivered as aforesaid, within fifteen days after appointment, and any person appointed who shall fail to do either of said acts within said period shall be deemed and taken to have declined his appointment, and the mayor shall forthwith appoint, in the manner aforesaid, another or others as the case may be to fill the place or places made vacant by such declination. The commissioners herein provided for shall hold office until their successors are appointed.

Street commissioners, appointment and terms of.

Vacancies.

Oath of office and official bond.

Failure to file same.

§ 2. The said board of street commissioners may sue or be sued under the name of "the board of street commissioners of the city of Hudson" in any of the courts of this state, and they are hereby

Powers and duties of board.

Control of public sewers.	charged with the exclusive control, care, maintenance, preservation and repair of the highways of said city, and the roadways, sidewalks, crosswalks, gutters, drains, bridges and culverts therein, and they are hereby invested with all the powers and duties of commissioners of highways of towns, as the same now are or hereafter may be defined by law. Except that they shall not have power to extend any street or highway, nor open or lay out any new street or highway, nor proceed to construct any such new street or highway, unless nor until thereunto duly authorized by the common council of said city by vote at a regular meeting, two-thirds of all the members of such council voting therefor. They shall also have the exclusive control, care, maintenance and preservation of the public sewers of said city, and direction and control of all repairs to the same, and shall have exclusive supervision, direction and control of the construction, maintenance and repair of any new sewers which the common council may order to be constructed, and shall have full and exclusive power to enter upon any of said highways and take possession of the same, or any part thereof, for any of the purposes enumerated in this act, and to remove material therefrom, or place material thereon, taking care in all instances to occasion as little inconvenience as may be to the public in its use of said highway.
Entry upon highways.	
Highways, defined.	§ 3. The word "highways" shall, for all the purposes of this act, include any and all of the streets, places, alleys, squares, lanes and roadways of the city in their full width. The streets, places and squares shall be divided into a carriageway and sidewalks and gutters on each side thereof.
Division of streets, etc.	§ 4. It shall be the duty of said commissioners and they shall have power to determine what, if any, of said highways shall be rebuilt or repaired, paved or repaved, and the manner in which such work shall be done, and the materials to be used for such purpose. They shall also have exclusive power and it shall be their duty to determine the method and materials to be used in building all roadways, sidewalks, crosswalks, gutters, drains, bridges and culverts in and upon any highway which may hereafter be opened and laid out by the common council of said city, and to supervise and conduct the building thereof so soon as practicable after said highways or any of them shall have been opened and laid out.
Excavations, board to make.	§ 5. They shall have power and it shall be their duty to make all excavations necessary in any of the highways of said city for the purpose of laying, repairing, removing or replacing any drains, conduits, water or gas mains, or pipes, electric wires or conduits for the same, or for any other public or private purpose whatsoever, except for the building of public sewers ordered by the common council. But the board of water commissioners shall have access to their water mains and pipes, in cases of emergency. The board of street commissioners however, shall have exclusive control of the repairs made necessary to said highways by such openings. Any board, commission or corporation, public or private, or any person or persons whomsoever desiring to have any excavation or excavations made in any of the highways of said city, shall apply to the said board of street commissioners for that purpose, and said board shall thereupon proceed to have the work done by and under the direction of its superintendent of highways, at a reasonable price to be fixed and charged therefor by said board, which shall be the lowest cost of excavation and refilling, and the proper repair and replacing of the roadway above such excavation, and which sum shall be a lien upon the property benefited by such excavation for the period
Applications therefor.	
Work, how done.	
Expense a lien.	

of one year from the completion of the work, unless sooner paid to said board, who may enforce its collection by appropriate remedies; such lien shall be entitled to preference over any other liens for the period above specified. In case of the building of public sewers ordered by the common council in and upon any of the highways of said city, the filling in of the excavations and trenches, and the replacing and repairing of the roadway over the same, shall be conducted under the direction and supervision of the aforesaid superintendent of highways. Any board, commission, corporation, public or private, or any person or persons whomsoever, who shall make any excavation or excavations in any of the highways of said city except in the manner hereinabove provided, shall be liable to a penalty of one hundred dollars for each and every offense, to be sued for and collected by said board of street commissioners, and shall be deemed guilty of a misdemeanor, and punishable therefor, and the police justice of the city of Hudson shall have exclusive jurisdiction to try said offenders.

Refilling of excavations for public sewers.

Penalty for excavating contrary to manner herein.

§ 6. They shall have exclusive power, and it shall be their duty to determine and establish the grades of all streets, squares, places, alleys, lanes and roads of the city, and the roadways, sidewalks, crosswalks, curbstones, gutters and drains thereon, and of all sewers repaired or constructed under their supervision, and to call upon the city surveyor to make and furnish any and all surveys, plans and estimates which they may require of him in the performance of any of the duties imposed by this act. All grades established by them shall be described, and the description of such grades, and of all alterations therefor, shall be recorded by the secretary of the board in a book or books to be called "grade books," which shall be preserved in their office. All surveys and measurements made under their direction, adopted and acted upon, shall be recorded in detail in books to be called "survey book," which shall be preserved in their office.

Establishment of grades.

Descriptions thereof.

Record of surveys.

§ 7. They shall have power, and it shall be their duty, to regulate the setting and location of telegraph, telephone and electric light and power poles, tie-posts and horse blocks, and to remove them or any of them summarily, if, in the judgment of the board, they interfere with the safe and full use of the highways by the public, and in case their owner or owners, after reasonable notice, refuse to remove them or charge their location. And the expense of said removal shall be a charge against the person or corporation owning or operating any of such poles, tie-posts, horse-blocks or obstructions so removed, to be collected by the board by action.

Telegraph, etc., poles, tie-posts and horse blocks, location and removal of.

§ 8. They shall also have power and it shall be their duty to regulate and control the planting and setting out of trees upon the streets and public places of said city, and in case any tree or trees, growing or standing upon any of the aforesaid highways of the city become detrimental or destructive to said highways, or interfere with their safe and full use, the board shall have power, and it shall be their duty, to remove or prune the same, having in view at all times the proper maintenance of the same, when not detrimental to such highways for ornament and shade.

Trees upon streets, planting, pruning, etc., of.

§ 9. They shall maintain an office at the city hall, and shall cause to be recorded full and accurate minutes of their proceedings, and copies of all orders and resolutions adopted by them and duplicates of all permits issued by them, in books which shall be carefully preserved, and said records shall be received in any of the courts of this state as proof of the fact that such orders and resolutions have been made and such permits issued. They shall also cause to be carefully

Office.

Record of proceedings.

Preserva-

tion of
plans,
estimates,
etc.

Control of
machines,
tools, etc

Secretary.
Supt. of
highways.

Surveyors,
agents and
employees.

Cleaning
of high-
ways.

Removal of
nuisances.

Deposit of
building
materials
in high-
ways.

Rebuilding
or repair-
ing of
highways.

Street im-
prove-
ment
bonds,
issue of.

Sale and
disposition
of pro-
ceeds.

Amount
limited.

filed and preserved in their office all plans, estimates, drawings and contracts made by them or in their behalf. Their said record and files shall be open to public inspection, subject to such reasonable regulations and restrictions as may from time to time be made by such board, and all books and papers pertaining to said commission, its business and transactions, shall be the property of said city. They shall have possession and control of all machines, tools and implements owned by the city for use upon the highways, and be charged with their preservation and repair.

§ 10. They shall have power to employ a secretary. They shall also appoint a superintendent of highways, whose duties shall be, under the direction of said board, to supervise all work upon the highways, and the making and filling of excavations, and who shall promptly report to them all defects and obstructions existing in said highways, and who shall perform such other services as may be required of him by the board, and they may also employ such other surveyors, engineers, agents and servants as may be necessary. All said employes shall hold their positions during the pleasure of the said board, and receive such salary or compensation as said board shall fix and determine.

§ 11. They shall have charge of the cleaning of the highways of the city, and shall have power to make contracts for such work, and to secure and enforce the performance thereof. They shall have full power and authority to compel the removal by action or otherwise of all encroachments and nuisances from any of the highways of the city, and they shall provide for the placing and maintenance of sufficient barriers and lights around any excavation or obstruction in any highway. They shall also have full power to regulate and control the deposit of building materials in the highways of the city, and to prescribe in each case the amount of space to be occupied thereby, and any person or corporation who shall refuse or neglect to obey any order of said board in relation thereto, after service of a copy thereof upon him or it in the manner prescribed by law for the service of a summons in an action in a court of record, shall be deemed guilty of a misdemeanor, and be punishable therefor. And the police justice of the city of Hudson shall have exclusive jurisdiction to try such offenders.

§ 12. In order to place the highways of the city in a suitable condition, the board shall have power, and it shall be their duty, forthwith to rebuild or repair such of the highways of the city as in the judgment of the majority of the commissioners should be repaired, or rebuilt, and in such manner and by the use of such materials as upon investigation they shall determine to be best for the interests of the city. And it shall be the duty of the common council, upon service upon its clerk of an application signed by a majority of said commissioners, to issue bonds of said city to be known as "street improvement bonds" to the amount named in such application, and payable at such time or times, and at such rate of interest, not to exceed four per centum per annum, and of such denominations as said common council may determine, and to sell the same in such manner as shall be deemed by the common council as likely to secure the largest attainable price for such bonds, but not less than par, and to deposit the proceeds of such sale with the city treasurer to the credit of the board of street commissioners, subject to their draft, to be used by them for the purpose of street improvement other than for ordinary repairs. Said bonds shall not exceed in the aggregate one hun-

dred thousand dollars, and may be required to be issued in such amounts not exceeding twenty-five thousand dollars in any one year and at such times as the board of street commissioners shall determine.

§ 13. The expense of repairing and improving the highways of said city, to provide in part for which bonds shall be issued, shall be borne and defrayed to the extent of fifty per centum by the city, out of the funds applicable thereto, and to the extent of fifty per centum by assessment of twenty-five per centum upon the property upon each side of the highway so improved.

Expense of improving highways, how borne.

§ 14. The board of street commissioners, in order to carry out the system of improvements contemplated and provided for by section twelve, and the building of roadways upon any new highway which may hereafter be opened and laid out by the common council, are hereby empowered to make all necessary contracts for the performance of the necessary work. They shall cause a plan and accurate specifications of the proposed work to be prepared. They shall cause to be published in the official newspapers daily for at least one week a notice

Contracts for work.

Plans.

Notice of receiving proposals, etc.

that the plans and specifications are filed with the secretary of the board, and that at least one week after the first publication of said notice they will act in relation to the construction of said work, and that in the meantime sealed proposals for constructing the work, with bonds for the faithful performance thereof, will be received by the secretary of the board. They shall open the sealed proposals for the construction of the work, but no proposal shall be considered which shall not be accompanied by a bond for the faithful performance of the contract, to be approved as to form and sufficiency by the board of street commissioners, in such penalty and with such surety or sureties as said board shall require. The amount in which a surety shall justify shall be an amount over all the debts and liabilities which he owes or has incurred and exclusive of property exempt by law from execution. The sum in which a surety is required to justify may be made up by the justification of two or more sureties, each in a smaller sum, but the same person can not contribute to make up the sum for more than one surety. They may then determine which proposal is the most favorable to the city, and accept the same, or they may reject any and all proposals and readvertise for new proposals, until proposals satisfactory to said board are made, when said board may determine which is the most favorable to the city and accept the same. No member of said board shall be directly or indirectly interested in any contract authorized by this act. They shall determine the expense of the whole work, including the expenses of engineering and surveying and advertising, and assess the same one-half upon the city of Hudson, and one-quarter thereof upon the property upon each side of the highway so improved or built. Nothing herein contained shall be so construed as to relieve the Hudson Electric Railway Company from any duty, liability or obligation now imposed by law upon said company. The city shall also be assessed in like manner as any other owner for property belonging to it on either side of such highway including intersecting streets. The amount of all assessments upon the city shall be paid by said board out of the funds herein provided to be raised for that purpose.

Opening of same.

Contractor's bond.

Acceptance of proposals.

Not to be interested.

Expense, determination and assessment of.

§ 15. An assessment-roll shall be prepared by the board which shall contain a description of each parcel of real estate so assessed, for the improvement, with the names of the owners or occupants thereof, if known, and the amount of the assessment imposed upon

Assessment-roll.

Delivery thereof, to treasurer.

Liens on real estate.

Notice of receiving assessments.

Return of unpaid assessments and proceedings thereupon.

Interest.

Sales for unpaid assessments.

Sidewalk improvements, may require same made

Service of resolution upon owners, etc.

Proceedings upon failure to comply

such parcel, and said roll shall be provided with a column in which payments can be entered by the treasurer. Two copies thereof shall be made and signed by the president and secretary of said board, one of which shall be retained by the secretary and the other of which shall be delivered to the city treasurer, with a warrant signed by said president and secretary annexed thereto, addressed to said treasurer, directing him to collect the warrants therein named, as herein set forth. Said assessment-list shall in all courts and places be evidence of the assessments therein specified, and all sums of money assessed therein upon or in respect to any real estate shall be liens thereon for two years from the time of the delivery of said assessment-list to the treasurer. Upon receiving an assessment-list as herein provided, the treasurer shall cause to be published in the official newspapers a notice similar to the one required to be given by the said treasurer on receiving the tax lists, and the treasurer shall attend at his office for the purpose of receiving the moneys due on said assessment-list as provided in said notice, and at the expiration of the month mentioned in said notice, the treasurer shall make a return to the board of street commissioners of all sums remaining unpaid on said list, and shall thereafter proceed to advertise and sell the premises upon which any assessment has been imposed on said list, which remains unpaid, in the manner provided in the city charter of said city for the sale of real estate for non-payment of taxes. Interest at the legal rate shall commence on the amount of any assessment remaining unpaid at the end of the month mentioned in said treasurer's notice, and shall continue until such assessment is paid, or until the real estate upon which said assessment was imposed is sold for non-payment thereof. All the provisions of said charter, applicable to sales for unpaid taxes shall be applicable to sales for unpaid assessments mentioned herein, except that the rate of interest on the amount set forth in the certificate mentioned in section forty-nine of said charter in case of redemption shall be at the legal rate. Sales for unpaid assessments as provided for herein shall be made within one year from the time of delivering the assessment-list to the city treasurer.

§ 16. The board of street commissioners shall have power by resolution to require the owner or occupant of any lot or lots, to make, lay, relay, repair, grade and regrade the sidewalk in front of, in the rear of, or on the side of said lot, and curb and gutter adjoining the sidewalk, or to reset the curb stones, and relay the gutter, and to prescribe the material therefor, under the direction of the superintendent of highways, and on a grade to be established by said board, within a time to be fixed by said board, which time shall not be less than thirty days from the time of the service of a copy of the resolution upon such owner, agent, occupant or person in possession, and when such copy can not be served upon the owner personally, a copy of such resolution shall be deposited in the post-office in the city of Hudson, inclosed to the address of such owner or owners; and if such lot be vacant, or the owner or agent is unknown, then such resolution shall be published in the official newspapers at least once a week for two successive weeks, and the time fixed shall commence to run from the day following the last publication of such resolution; a record shall be made by the clerk of the time and manner of service and upon whom made, which record, or a copy thereof, certified by the clerk, shall be presumptive evidence of such service; and in case the owner or occupant of the lot shall fail to comply with the requirements of such resolution, the said board shall cause the same to be done by, and under the direction of

the superintendent of highways, for and at the cost and expense of such owner or occupant; the superintendent of highways shall keep an account in detail of such cost and expense and certify under oath to the correctness of the same and return it to the said board with a description of the lot or lots as soon as he conveniently can after the completion of the work; the said board shall then audit and allow such account at such sum as it shall deem proper, not exceeding the amount certified as above by the superintendent of highways, and upon the payment thereof by said board for the city, it shall be lawful for said board to sue for and recover from such owner or occupant, or his legal representatives, the sum so allowed and paid, with interest and costs in an action for money paid and expended for such owner or occupant by said board, and the said account, with the certificate of the secretary of said board of the amount allowed thereon, with proof of the payment of such amount, shall be sufficient presumptive evidence to entitle the said board to recover in such action; and the amount so audited and allowed by the said board as above provided, shall from the time the same shall have been so audited and allowed, be and continue a lien on said lot or lots and be entitled to preference over any other lien thereon until paid or otherwise satisfied.

with
requirements.

Action for
recovery
of ex-
pense.

Expense a
lien on
lots.

§ 17. All sums of money arising from the issuance and sale of bonds or from assessments shall be held by the city treasurer, who shall, with his sureties, be liable on his bond, for the faithful accounting therefor. The treasurer shall place such sums separate and apart from other funds in his hands, to the credit of the board of street commissioners, to be drawn by the treasurer only on the order or warrant of the board, signed by the president and secretary thereof.

Proceeds
of bonds
and assess-
ments,
how held
and dis-
bursed.

§ 18. The board of street commissioners shall at the regular stated meeting of the common council, held in June of each year, certify the sum not exceeding ten thousand dollars, which they will require for current expenses including ordinary repairs to streets and highways for the ensuing year.

Annual
estimate of
highway
expenses.

§ 19. The common council shall include such sum in the annual budget and tax levy, and at the regular meeting to be held in the month of February in each year, by resolution direct the city treasurer to place to the credit of the board of street commissioners, the sum so certified, not exceeding the sum of ten thousand dollars, to be used by said board for the purposes of this act, except such as are herein provided for by issue of bonds. And the said common council is hereby authorized and empowered to raise the said sum of ten thousand dollars annually in and by the general tax levy of said city in addition to the sums now authorized by law to be so annually raised.

Tax
therefor.

§ 20. Said board of street commissioners shall have power to appoint one of their number president, and to establish all needful rules and regulations for the government of their employes and the transactions of their business and the exercise of the powers conferred upon them. They may do whatever shall by the said board be decided to be necessary to be done to secure the observance and performance of the provisions of this act, and to carry out and into full effect the purposes thereof. Any and all judgments recovered by said board, and any and all fines and penalties collected shall be paid by said board to the city treasurer and by him placed to the credit of said board, to be subject to their draft and to be used by them in carrying into effect the purposes of this act. And any and all recoveries, judgment or judgments against said board of street commissioners shall be deemed and held to be a recovery against the city of Hudson only, and to be paid by the

President

Rules.

Power to
carry out
act.

Judg-
ments,
fines, etc.,
payable to
treasurer.

Recover-
ies, etc.,
against
board.

Salaries
and ex-
penses.

Traveling
expenses
of commis-
sioners.

Reports to
council.

Repeal.

city of Hudson, or levied and collected out of the property of said city according to law. The salaries and compensation of all the employees of said board and its incidental expenses for books, stationery and other needful outlays shall be paid by said board out of the fund hereinbefore provided to be set apart for it by the common council. Said commissioners shall serve without compensation, but all their necessary expenses for traveling shall, after audit and allowance by the common council, be allowable to them out of the fund aforesaid.

§ 21. At the last stated regular meetings of the common council in June and December, in each year, the said board of street commissioners shall make a detailed itemized report of all moneys received and expended by them for the last preceding six months prior to such report to said council, said report shall be duly verified by the president of said board and attested by the secretary thereof. The common council may, at any time call for any other further or additional report, and it shall be the duty of the said board to furnish the same as requested.

§ 22. All acts and parts of acts relating to said city of Hudson, which are inconsistent with the provisions hereof, are hereby repealed.

§ 23. This act shall take effect immediately.

CHAP. 277.

AN ACT to authorize boards of supervisors to establish workhouses.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 28, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows

SECTION 1. The board of supervisors of any county may establish and maintain a workhouse for the confinement of persons convicted within the county of crimes or criminal offences the punishment for which is imprisonment in the county jail, and may provide for the imprisonment and employment therein of all persons sentenced thereto, and any court or judicial officer may sentence such persons to such workhouse instead of to the county jail.

§ 2. This act shall take effect immediately.

CHAP. 278.

AN ACT to amend chapter fifty-nine of the laws of eighteen hundred and eighty-two, entitled "An act to incorporate the Buffalo Merchants' Exchange."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 28, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of chapter fifty-nine of the laws of eighteen hundred and eighty-two, entitled "An act to incorporate the Buffalo Merchants' Exchange," is hereby amended so as to read as follows: Charter amended.

§ 3. All the affairs, concerns and business of such corporation shall be managed and conducted by, and under the direction of the president, vice-president, treasurer, and twelve trustees, who shall be citizens of this state. There shall be elected annually, on the second Wednesday in January, in each year, by ballot, by plurality of votes of the members voting, a president, vice president, and treasurer, and at the election held in January, eighteen hundred and ninety-two, there shall be elected in like manner four trustees for one year, four trustees for two years, and four trustees for three years and at each succeeding annual election thereafter four trustees for three years. If for any cause an election shall not be so held, the said corporation shall not be deemed dissolved, but such election shall be held within six months thereafter. Notice of the time and place of every such election shall be published for one week at least, immediately preceding the day appointed therefor, in one or more of the daily newspapers published in the city of Buffalo. Officers and trustees. Annual election thereof.

§ 2. Section five of said act is hereby amended so as to read as follows: Notice of election.

§ 5. The president, vice president and treasurer of said exchange shall ex-officio be trustees. The trustees shall have power to fill vacancies in their board, and from their number, vacancies in the office of president, vice-president, and treasurer, occasioned by death, resignation, removal from the state, or legal incapacity. They may make all such by-laws not inconsistent with the laws of this state or the United States, as they may deem proper for the management of the affairs of such corporation, and they shall have power to alter or amend the said by-laws from time to time. Ex-officio trustees. Vacancies. By-laws.

§ 3. The trustees in office when this act takes effect shall continue to manage the affairs, concerns and business of said corporation until the election of their successors. Term of present trustees.

CHAP. 279.

AN ACT to amend chapter one hundred and eighty of the laws of eighteen hundred and eighty-nine, entitled "An act in relation to floating logs, lumber or other timber in Grass river in the county of St. Lawrence."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 28, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of chapter one hundred and eighty of the laws of eighteen hundred and eighty-nine, entitled "An act in relation to floating logs, lumber or other timber in Grass river in the county of St. Lawrence," is hereby amended so as to read as follows:

Opening of
booms,
etc., for
passage of
logs and
timber,
regulated.

§ 1. Any person or corporation now or hereafter owning or controlling any boom or booms or works, other than dams, in or across the Grass river and its branches in the county of St. Lawrence for the purpose of shipping or securing lumber, logs or other timber or any other proper or necessary purpose, shall, within twenty-four hours after he or they, or his or their agents, shall have received notice by or from any person who shall have lumber, logs or other timber to transport on said rivers, or within four twenty-hours after the height of the waters in said rivers will permit, if at time the said notice shall have been received the water be so high that working on said boom or booms would endanger the safety of life or property, open said booms or other works and to allow to pass down the river such lumber, logs or timbers without expense to the owner or owners thereof, or open said booms or other works so as to permit the assorting and passage and to allow such lumber, logs and other timber to pass through and down said rivers; and for a failure of so doing shall be liable to a penalty of fifty dollars for each day of the continuance of such obstruction, to be recovered by any person aggrieved thereby, and in addition shall be liable for all damages sustained by any person in consequence of such obstructions; and any person willfully obstructing, by booms or otherwise, the channels of said rivers, so that the space of thirty feet shall not be open for use, shall be liable for the penalty named in this section, to be recovered by the party aggrieved. The cost and labor of such assorting and passage shall be borne by the person or persons owning such boom or booms. After the expiration of the time of said notice, the party, or parties desiring such logs, lumber or timber to pass below such booms shall have the right to go upon such booms and sort and pass below such logs, lumber or timber.

Penalty for
obstruct-
ing river to
shippers.

Cost and
labor.

Right to
go upon
booms.

§ 2. This act shall take effect immediately.

CHAP. 280.

AN ACT to amend chapter five hundred and thirteen of the laws of eighteen hundred and ninety, entitled "An act in relation to certain arrears of taxes of the town of Newtown."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 28, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter five hundred and thirteen of the laws of eighteen hundred and ninety, is hereby amended so as to read as follows:

§ 1. The treasurer of the county of Queens, the treasurer and receiver of taxes of Long Island City, and the supervisor of the town of Newtown, in the county of Queens, are hereby appointed commissioners for the purposes and with the powers herein provided. Commissioners for purposes herein.

§ 2. Said commissioners, or a majority of them, shall, within sixty days from the time of the taking effect of this act as amended, give notice, by publication in the newspapers in which official city notices are required by law to be published in Long Island City, and in one newspaper published in the town of Newtown, and in such other papers, not exceeding three, as they may deem advisable, once in each week for six successive weeks, that upon a day, not less than ten days, nor more than thirty days after the last publication thereof, they will meet at a time and place therein specified, in Long Island City, or in the town of Newtown, for the purpose of examining into and hearing objections to the assessments made, or attempted to be made therein, and to the taxes levied, or attempted to be levied therein prior to the year eighteen hundred and seventy-one, upon real estate within the limits of the town of Newtown and of Long Island City, which said taxes now appear to be unpaid upon the assessment or tax-rolls or books in the office of the treasurer of the county of Queens. Notice of meeting of commissioners.

Purpose of meeting.

§ 3. At the time and place designated in such notice said commissioners, or a majority of them, shall meet and organize, and before entering upon their duties under this act, shall severally take and subscribe an oath before any officer authorized by law to administer oaths, to faithfully and honestly discharge their duties under this act, which oath shall be filed with their first report hereinafter provided for; and they shall thereupon on that day and thereafter on such other day or days to which they, or a majority of them, may adjourn or designate, proceed to examine into and hear objections to any such assessments or taxes, and the lien or apparent lien thereof, upon any specified portion of such real estate, by any person interested therein, or in any such assessment. Organization.

Hearing of objections to assessments, taxes, etc..

§ 4. Such objections shall be written or printed and signed by the party making the same or the agent of such party; and such objections shall specify the particular assessment or tax complained of, and the premises upon which the same have been made or levied, or attempted to be made or levied, or which they appear to or might affect as near as may be. Such objections shall be stated in a brief and concise manner with any facts showing or tending to show that the assessment or taxes complained of does not or ought not to affect the property specified, or was unfair or unjust or improperly levied or invalid in whole or in part for any reason. Objections, how made.

Inquiry
into assess-
ments or
taxes.

§ 5. Said commissioners or a majority of them shall inquire into the facts and circumstances relating to any such assessment to which objection may have been taken, shall hear the evidence, if any, in support of such objections and any opposition thereto, and on any such hearing may administer oaths and affirmations to all persons testifying. Said commissioners may also on their own motion examine into any assessment or tax specified in section two of this act whether objections have been filed thereto or not, to ascertain whether the same is just and fair in whole or in part, or whether they have been properly laid or levied, and whether the same are invalid for any reason or are uncollectible.

Award of
relief.

§ 6. Said commissioners after considering such matters, whether on their own motion or upon objections made, and the evidence in support and opposition thereto, if any, and the facts and circumstances of such assessments or taxes as hereinbefore provided, shall award such relief as in their judgment is just and equitable in view of the circumstances of each case before them, and they shall determine what relief, if any, is to be awarded in respect to each lot or parcel of land, and whether any such assessment or tax complained of is a lien on the property mentioned in the objection thereto.

Determi-
nation and
award,
when
made.

§ 7. Said commissioners shall, within sixty days after hearing objections and evidence concerning any specific piece of property or after consideration of any such matter on their own motion, adjudge and determine and thereupon award such relief as in their judgment is just and equitable concerning any such parcel of land or the assessment or tax affecting or appearing to affect any such lands.

Vacating
or reduc-
ing assess-
ments, etc.

§ 8. Said commissioners may vacate, modify or reduce such assessments or taxes upon any such parcel of land, and in the event of their modifying or reducing any such assessments or taxes, the sum to which the same is reduced shall be relieved upon such property as hereinafter provided, and the taxes relieved upon such reduced amount by and under the provisions of this act. All such tax or taxes shall be collected according to the provisions of law now in force for the collection of taxes in Long Island City, or for the collection of taxes in said town of Newtown, according as said property may be located in said city or said town.

Re-levy of
taxes and
collection
thereof.

Report of
commis-
sioners.

§ 9. Said commissioners, or a majority of them, shall, within six months from the date of their organization, make a report, which shall be signed by them, or a majority of them, and file the same in the office of the clerk of the county of Queens, and a duplicate or copy thereof in the office of the treasurer of Queens county, showing their decisions and actions as to any such assessment and taxes and property, and what lots or parcels of property they have decided to be free from the lien of any such assessment, and also upon what lots or parcels of property they have modified, reduced or vacated the assessment or assessments, and the amount of tax, if any, levied thereon, pursuant to the provisions of this act. To such report shall be attached the oaths by them taken as hereinbefore provided. Said report shall also contain a list of all the assessments and taxes which said commissioners shall adjudge to be existing or valid liens upon the property specified.

List of
valid
assess-
ments.

Supple-
mentary
reports.

§ 10. Said commissioners may from time to time thereafter file supplementary reports concerning their action upon or affecting any other pieces of property as to the assessments or taxes upon which they have made any decision as to the vacating, modifying or reducing thereof, since the making and filing, or any previous report.

Cancella-

§ 11. The county treasurer of Queens county shall, upon the re-

ceipt of such report, cancel upon the assessment or tax rolls or books in his office and discharge of record, all such assessments or taxes as said commissioners have declared thereby to be invalid or thereby vacated; and shall also briefly note upon the records of his office and immediately adjoining the entry of all such assessments or taxes as the said commissioners shall modify or reduce, their decision concerning the same. Whereupon, without other action, the said assessment or taxes shall, be accordingly vacated, modified or reduced, as by the said commissioners adjudged.

tion of
vacated
assess-
ments.

§ 12. Said treasurer shall, upon application and the payment to him of a fee of three dollars, furnish an extract from the report of said commissioners affecting any piece or parcel of property showing the premises affected thereby and the decisions of said commissioners concerning the same, certified by him under his hand and seal, which shall be evidence of the facts therein set forth.

Extracts
from re-
ports, how
furnished.

§ 13. The expenses incidentally incurred in carrying out the provisions of this act shall by the said commissioners be certified and included in the same certificate as to the number of sessions by them held concerning their own compensation as hereinafter provided, which certificate shall by the said commissioners or a majority of them be verified under oath and filed with the board of supervisors of Queens county, within thirty days after the making by them of each report under this act.

Incidental
expen-
ses.

§ 14. Said commissioners shall receive as compensation for their services ten dollars each for each actual and necessary session not exceeding ten, for the purpose of such hearing and decisions, which together with the expenses incidentally incurred by them in carrying out the provisions of this act shall be paid by the county treasurer out of any money derived from taxes collected upon assessments under the provisions of this act; and if said treasurer shall not have sufficient funds for such purpose remaining in his hands so derived from assessments for said years, then the additional amount necessary to pay such fees and expenses shall be audited by the board of supervisors of Queens county and the amount shall be inserted in equal amounts in the annual tax budgets of Newtown and Long Island City for the year next ensuing after the making and filing of such report, and shall be collected and paid as other items in said budgets.

Compensa-
tion of
commis-
sioners.

§ 15. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Repeal.

§ 16. This act shall take effect immediately.

CHAP. 281.

AN ACT to make the office of county clerk of Cattaraugus county a salaried office, and regulating the management of said office.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 28, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The clerk of the county of Cattaraugus next elected and thereafter to be elected shall receive as compensation for his services an annual salary to be fixed by the board of supervisors of said

Clerk here-
after elec-
ted, salary
of.

county prior to the election of every such clerk. The salary so fixed shall not be increased or diminished during the term for which such clerk shall have been elected.

To perform
all services
required
by law.

§ 2. It shall be the duty of said clerk to perform all services, which he is or shall be required or authorized by law to perform by virtue of or by reason of his holding such office, for the state, for the county, and for individuals, including his duties as clerk of every court of which he is or shall be clerk, and no compensation, payment or allowance shall be made to him for his own use for any such services, except the salary aforesaid.

Fees to
belong to
county.

Collection
thereof.

Pre-pay-
ment of
fees.

Fee books,
etc.

Open to
inspection.

Monthly
statement
of fees.

What to
specify.

Affidavit
thereto.

Monthly
payment
to treas-
urer.

§ 3. All the fees, emoluments and perquisites which such clerk shall charge or receive, or which he shall legally be authorized, required or entitled by law to charge or receive, shall belong to the county of Cattaraugus.* It shall be his duty to exact, collect and receive the full amount allowed by law of all such fees, emoluments and perquisites for said county, except for searching and certifying the title to, and incumbrances upon real property, for which he shall charge for each year for which the search is made, for each name, and each kind of conveyance or line, two cents, and such clerk shall require payment in advance for recording all papers left with him for record, and shall also, in each case, require payment for all other services rendered by him or his assistants in his or their official capacity by virtue of any law of this state, or by order of the board of supervisors of said county or any duty that may hereafter by law be devolved upon him.

§ 4. In a proper book or books, to be provided at the expense of said county, such clerk shall keep an exact and true account of all official services performed by him or his assistants, and of all money, fees, perquisites and emoluments received or chargeable by him or them pursuant to law. Such book or books shall constitute a part of the records of said office, and shall, at all times during office hours be open to the inspection, without fee or charge therefor, of all persons desiring to examine the same.

§ 5. Such clerk shall make a full and true statement for each calendar month of all moneys received each day by him or by his assistants, for fees, perquisites and emoluments, for all services rendered by him or them in his or their official capacity, and shall transmit and deliver such statement to the county treasurer of said county within five days after the expiration of said month. Such statement shall specify, in the following order, the amounts so received for the said calendar month:

For recording deeds.

For recording mortgages.

For recording other documents and papers.

For docketing judgments and canceling dockets.

For searches and certificates thereof.

For copies and exemplification of papers and records.

For filing papers, and for any and all other services.

And shall also show the total receipts for said month. Every such statement shall have attached thereto an affidavit of said county clerk in effect that the same is in all respects a full and true statement of all moneys by him received as herein required.

§ 6. At the time of rendering every such statement, such clerk shall pay over to the county treasurer of the county of Cattaraugus for the benefit of said county, the whole amount of the moneys so received by him since making the last preceding monthly statement.

* So in the original.

§ 7. Every county clerk elected or appointed in such county, shall, before entering upon the duties of said office, execute to the people of this state, and file with the county treasurer of the said county, a bond in such penal sum, and with such sureties as shall be fixed and prescribed by the board of supervisors of said county; such bond shall be conditioned that said county clerk shall well and faithfully discharge all the duties of his office and all trusts reposed in him by law or by virtue of his office, and shall safely keep and pay over to the said county treasurer as herein provided, all moneys which shall come into his hands. Said bond shall be approved as to its form and sufficiency of sureties by the board of supervisors, and if any such clerk shall neglect for thirty days to execute or file any such bond according to the provisions of this act, his office shall thereupon become vacant.

Official
bond of
county
clerk.

Failure to
file bond.

§ 8. There shall be one deputy clerk, and the said board of supervisors shall have power to designate the number of special deputy clerks, and said county clerk shall appoint such deputy and such number of special deputies as may be designated by said board; also as many assistants as may be necessary for a prompt and faithful discharge of the duties of his said office, and shall be responsible for their official acts; and the salaries of said clerk, deputies and assistants shall be paid in the same manner as the salaries of other county officers are paid. The salary of the deputy clerk shall not exceed one thousand five hundred dollars per annum, and the special deputies, designated as hereinbefore provided, shall not exceed one thousand dollars per annum, and the board of supervisors may determine the number of assistants and fix their salary or compensation.

Deputies
and assist-
ants.

Salaries
and com-
pensation.

§ 9. Any officer referred to in this act, or any assistant herein named, who shall receive to his own use or neglect to account for any money, fees perquisites or emoluments by this act declared to belong to and be for the benefit of the county of Cattaraugus, or who shall neglect to render to the said county treasurer an account of all fees received at his office, or to pay over the same as herein required, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine or imprisonment or both at the discretion of the court before whom such officer may be convicted, and shall be liable to said county in a civil action for all moneys so received and not accounted for.

Neglect to
account
for fees,
etc., a mis-
demeanor.

Punish-
ment.

Liability to
county.

§ 10. All acts or parts of acts inconsistent herewith are hereby repealed.

Repeal.

CHAP. 282.

AN ACT in relation to state ditches in the town of Mentz, county of Cayuga.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 28, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The superintendent of public works is hereby authorized to examine the state ditch on the north and south side of the Erie canal near lock number fifty-two in the town of Mentz county of Cayuga, and running northerly therefrom to Owasco creek, and if on such examination the superintendent shall find that the lands in the

Duty of
supt. of
public
works.

vicinity of such state ditch are injured by the overflow of water on account of defects in said state ditch, or by obstructions in other state works, and that the state is under obligations to remove said defects or obstructions, he shall, as soon as practicable, take the proper steps to remedy such overflow by opening the necessary new ditches, opening and cleaning the old ones, and keeping them open in such manner as at all times to discharge the water and prevent such injury, also state ditch in the village of Port Byron, town of Mentz, county of Cayuga, running northerly to Owasco creek.

* Appropriation.

§ 2. The sum of one thousand dollars, or so much thereof as may be required, is hereby appropriated therefor, and shall be paid by the state treasurer on the warrant of the comptroller, on the certificate of superintendent of public works, out of any moneys not otherwise appropriated.

§ 3. This act shall take effect immediately

CHAP. 283.

AN ACT to amend chapter two hundred and eight of the laws of eighteen hundred and eighty-nine, entitled "An act to incorporate the fire department of the town of Newtown, Queens county, New York."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 28, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter amended.

SECTION 1. Section five of chapter two hundred and eight of the laws of eighteen hundred and eighty-nine, entitled "An act to incorporate the fire department of the town of Newtown, Queens county, New York," is hereby amended so as to read as follows:

Officers, election of

§ 5. The said board of trustees shall, within ten days after the passage of this act, and annually thereafter, at the regular meeting in July in each year, elect from their own number the following officers, namely: A president, vice-president, secretary and treasurer, and such officers (except chief engineer and district engineer) as the management of the affairs of the corporation may from time to time require. The officers first elected under this act shall hold their respective offices until the regular meeting of the board of trustees hereof, in July, eighteen hundred and ninety.

§ 2. Section seven of said act is hereby amended so as to read as follows:

Vacancies, how filled.

§ 7. The said board of trustees shall fill from its members all vacancies which may occur, by resignation or otherwise, in the offices of said board (except chief engineer and district engineers), and in case of any vacancy in said board, the same shall be filled by the company in which such vacancy occurs, in the manner now provided by law. In case of vacancy in the office of chief engineer or either of the district engineers, such vacancy shall be filled by a special meeting of the firemen of each of said companies, to be called and held pursuant to the by-laws of the board of trustees thereof.

§ 3. Section ten of said act is hereby amended so as to read as follows:

§ 10. The firemen of the several fire companies constituting this corporation shall hold an annual meeting at such time and place, and in the manner provided for by the by-laws of the board of trustees hereof, and elect from among their own number by written or printed ballot the following officers, namely: A chief engineer and district engineers, one of said district engineers to be elected for each district now created or hereafter to be created by the board of trustees of the department, each of which district engineers shall be an active member of one of the fire companies in the district for which he is elected.

Chief engineer and district engineers, annual election of.

§ 4. Section eleven of said act is hereby amended so as to read as follows:

§ 11. It shall be the duty of the foreman of each fire company to file with the secretary of this corporation within ten days before the annual meeting in July, a list of the active and exempt members of his company in good standing, according to the by-laws of the board of trustees hereof, and no person shall be entitled to vote at the ensuing election for chief engineer and district engineers, unless he shall have been certified by the above list to have been an active member in good standing of the company in which he votes at said election.

Foremen of companies to file list of members.

§ 5. Section twelve of said act is hereby amended so as to read as follows:

§ 12. At all fires occurring in the said town of Newtown, the chief engineer of this corporation shall have the entire control and management of the fire companies, their officers and apparatus attending thereat, and all officers of companies and members shall be subject to his orders, pursuant to the by-laws of the board of trustees hereof. He shall have power to establish fire lines to be maintained by the police or department of said town, and the members of the several fire companies in the department, and shall have the right to determine who shall remain within said fire limits, and may exclude any person therefrom. All companies in the department shall at all times be subject to his orders and subject to the performance of such duties as he shall impose, and shall report for inspection at such reasonable times as he may order. In the absence of the chief engineer his powers and duties shall devolve upon and be performed by the district engineer in command of the district in which the fire occurs; and in the absence of both of said officers the above powers and duties shall devolve upon and be performed by the district engineer first arriving at said fire; and in the absence of all of said officers, said powers and duties shall devolve upon and be performed by the person in command of the company first arriving at said fire.

Chief engineer, his powers and duties.

District engineers.

§ 6. Section thirteen of said act is hereby amended so as to read as follows:

§ 13. No fire engine, hook and ladder, or hose company, shall be permitted to act at any fire occurring in the said town, unless it shall be a member of this department, or has permission from the chief engineer or person in command at such fire, and such company so acting, may be ordered away by such chief or person in command, and, upon their failure to obey, the individuals so continuing to act for such company, shall be guilty of a misdemeanor and shall be arrested upon the order of such chief engineer or person in command.

Service at fires, restricted to department companies, etc.

§ 7. Section twenty-two of said act is hereby amended so as to read as follows:

§ 22. If any person shall wantonly and maliciously injure any of the

Penalty for

malicious
injury to
property,
obstruct-
in use of
apparatus,
etc.

fire engines, apparatus or implements used at any fire, or belonging to the companies of this department, or any of the houses in which they or any of them may be placed or kept, or obstruct or hinder at any fire, or alarm of fire, the free and open conveyance of the same through the streets or otherwise, or in any way hinder or obstruct the free operation of said companies apparatus at any fire occurring in the said town of Newtown, or make or cause to be made a false alarm of fire, he shall, in addition to the penalties now provided by law, be liable to a penalty of not more than twenty-five dollars and not less than five dollars and costs, which penalty may be sued for by the department before any justice of the peace in said town.

Repeal.

§ 8. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 9. This act shall take effect immediately.

CHAP. 284.

AN ACT to amend sections seven hundred and fifty-five and seven hundred and fifty-seven of the Code of Civil Procedure, relating to the abatement and continuance of actions.

APPROVED by the Governor April 28, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Action or
special
proceed-
ing, when
not to
abate.

SECTION 1. Section seven hundred and fifty-five of the Code of Civil Procedure is hereby amended so as to read as follows:

§ 755. An action does not abate by any event, if the cause of action survives or continues. A special proceeding does not abate by any event, if the right to the relief sought in such special proceeding survives or continues, but this provision as to a special proceeding applies only to cases where a party dies after this act takes effect.

Continu-
ance
when sole
party dies
and action
or special
proceed-
ing sur-
vives.

§ 2. Section seven hundred and fifty-seven of the Code of Civil Procedure is hereby amended so as to read as follows:

§ 757. In case of the death of a sole plaintiff or a sole defendant, if the cause of action survives or continues, the court must, upon a motion, allow or compel the action to be continued, by or against his representative or successor in interest. In case of the death of a sole party to a special proceeding after this act takes effect, if the right to the relief sought in such proceeding survives or continues, the court must upon a motion, allow or compel such proceeding to be continued by or against his representative, or successor in interest. This provision as to a special proceeding does not apply where provision for such continuance has been otherwise made by law.

When to
take effect.

§ 3. This act shall take effect on the first day of September eighteen hundred and ninety-one.

CHAP. 285.

AN ACT to provide for the establishment of a botanic garden and museum and arboretum, in Bronx park in the city of New York, and to incorporate the New York Botanical Garden for carrying on the same.

APPROVED by the Governor April 28, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Seth Low, Charles P. Daly, John S. Newbury, Charles A. Dana, Addison Brown, Parke Godwin, Henry C. Potter, Charles Butler, Hugh J. Grant, Edward Cooper, Cornelius Vanderbilt, Nathaniel L. Britton, Morris K. Jessup, J. Pierpont Morgan, Andrew Carnegie, Thomas F. Gilroy, Eugene Kelly, Jr., Richard T. Auchmuty, D. O. Mills, Charles F. Chandler, Louis Fitzgerald, Theodore W. Myers, William C. Schermerhorn, Oswald Ottendorfer, Albert Gallup, Timothy F. Allen, Henry R. Hoyt, William G. Choate, William H. Draper, John S. Kennedy, Jesse Seligman, William L. Brown, David Lydig, William E. Dodge, James A. Scrymser, Samuel Sloan, William H. Robertson, Stephen P. Nash, Richard W. Gilder, Thomas Hogg, Nelson Smith, Samuel W. Fairchild, Robert Maclay, William H. S. Wood, George M. Olcott, Charles F. Cox, James R. Pitcher, Percy R. Pyne, and such persons as are now, or may hereafter be, associated with them, and their successors, are hereby constituted and created a body corporate by the name of the New York Botanical Garden, to be located in the city of New York, for the purpose of establishing and maintaining a botanical garden and museum and arboretum therein, for the collection and culture of plants, flowers, shrubs and trees, the advancement of botanical science and knowledge and the prosecution of original researches therein and in kindred subjects, for affording instruction in the same, for the prosecution and exhibition of ornamental and decorative horticulture and gardening, and for the entertainment, recreation and instruction of the people.

Corpora-
tors.

Corporate
name and
objects.

§ 2. Said corporation shall have all such corporate powers, and may take and hold by gift, grant or devise all such real and personal property as may be necessary and proper for carrying out the purposes aforesaid, and for the endowment of the same, or any branch thereof, by adequate funds therefor.

Real and
personal
property.

§ 3. Said corporation may adopt a constitution and by-laws; make rules and regulations for the transaction of its business, the admission, suspension and expulsion of the associate members of said corporation, and for the number, election, terms and duties of its officers, subject to the provisions of this act; and may from time to time alter or modify its constitution, by-laws, rules and regulations, and shall be subject to the provisions of title three, of chapter eighteen, of the first part of the Revised Statutes.

Constitu-
tion and
by-laws.

General
powers
and liabilities.

§ 4. The affairs of the said corporation shall be managed and controlled by a board of managers, as follows: The president of Columbia college, the professors of botany, of geology and of chemistry therein, the president of the Torrey Botanical Club, and the president of the board of education of the city of New York, and their successors in office shall be ex-officio members of said corporation and of the board of managers, and shall have the management and control of the scien-

Board of
managers.

Election
and terms
of man-
agers.

Officers of
board.

Grounds,
setting
apart of,
for garden
and
museum.

Fire proof
building,
construc-
tion of, etc.

Issue of
bonds
therefor.

tific and educational departments of said corporation, and the appointment of the director-in-chief of said institution, who shall appoint his first assistant and the chief gardener, and be responsible for the general scientific conduct of the institution. All other business and affairs of the corporation, including its financial management, shall be under the control of the whole board of managers, which shall consist of the aforesaid ex-officio members and of the mayor of the city of New York, the president of the board of commissioners of the department of public parks, and of at least nine other managers to be elected by the members of the corporation. The first election shall be by ballot and held on a written notice of ten days, addressed by mail to each of the above named incorporators, stating the time and place of election, and signed by at least five incorporators. Three of the managers so elected shall hold office for one year, three for two years, and three for three years. The term of office of the managers elected after the first election, save those elected to fill vacancies in unexpired terms, shall be three years; and three managers and such others as may be needed to fill vacancies in unexpired terms shall be elected annually, pursuant to the by-laws of the corporation. The number of elective managers may be increased by vote of the corporation, whose terms and election shall be as above provided. The board of managers shall elect from their number a president, secretary and treasurer, none of whom, or of the board of managers, save the secretary, shall receive any compensation for his services.

§ 5. Whenever the said corporation shall have raised, or secured by subscription, a sum sufficient in the judgment of the board of commissioners of the department of public parks in the city of New York, for successfully establishing and prosecuting the objects aforesaid, not less however than two hundred and fifty thousand dollars within five years from the passage of this act, the said board of commissioners is hereby authorized and directed to set apart and appropriate, upon such conditions as to the said board may seem expedient, a portion of the Bronx park, not exceeding two hundred and fifty acres, for establishing and maintaining therein by the said corporation a botanical garden and museum, including an herbarium and arboretum, and for the general purposes stated in the first section of this act. And the said board of commissioners is thereupon hereby authorized and directed to construct and equip within the said grounds so allotted according to plans approved by them, and by said board of managers, a suitable fire-proof building for such botanical museum and herbarium, with lecture-rooms and laboratories for instruction, together with other suitable buildings for the care and culture of tender or other plants, indigenous or exotic, at an aggregate cost not exceeding the annual interest upon the bonds hereinafter authorized to be issued by the city of New York; the use of said buildings upon completion to be transferred to said corporation for the purposes stated in this act. And for the purposes of providing means therefor, it shall be the duty of the comptroller of the city of New York, upon being thereto requested by said commissioners, and upon being authorized thereto by the board of estimate and apportionment to issue and sell at not less than their par value bonds or stock of the mayor, aldermen and commonalty of the city of New York, in the manner now provided by law, payable from taxation, aggregating the sum of five hundred thousand dollars, bearing interest at the rate not exceeding three per centum per annum, and redeemed within a period of time not longer than thirty years from the date of their issue.

§ 6. The grounds set apart as above provided, shall be used for no other purposes than authorized by this act; and no intoxicating liquors shall be sold or allowed thereon. For police purposes, and for the maintenance of proper roads and walks, the said grounds shall remain subject at all times to the control of the said board of commissioners of the department of parks; but otherwise after the suitable laying out of the same, and the construction of proper roads and walks therein by the department of parks, the said grounds and buildings shall be under the management and control of the said corporation. The said grounds shall be open and free to the public daily, including Sundays, subject to such restrictions only as to hours as the proper care, culture and preservation of the said garden may require; and its educational and scientific privileges shall be open to all alike, male and female, upon such necessary regulations, terms and conditions as shall be prescribed by the managers of those departments.

Use and
control of
grounds.

Educa-
tional and
scientific
privileges.

§ 7. This act shall take effect immediately

CHAP. 286.

AN ACT to amend chapter two hundred and ninety-eight of the laws of eighteen hundred and eighty-three, entitled "An act to provide for the government of the city of Albany."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 29, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of title three of chapter two hundred and ninety-eight of the laws of eighteen hundred and eighty-three, entitled "An act to provide for the government of the city of Albany," is hereby amended so as to read as follows:

City
charter
amended.

§ 2. The board of aldermen shall consist of nineteen members, one alderman to be elected from each of the seventeen wards, and two from the city at large; and for a citizen to be eligible for election to the office of alderman, he shall (have resided in the ward and in case of each alderman-at-large he shall have resided in the city for at least one year immediately prior to his election,) at the time of his election be an elector of said city, and shall have been a citizen of the United States, and a resident of the city for at least three years, and a resident of the ward for at least one year, immediately previous thereto.

Aldermen.

Eligibility
to office.

§ 2. Section five of title three of said act is hereby amended so as to read as follows:

§ 5. The members of the common council shall, unless removed for cause, hold office until their places are supplied by the election of new members, who shall have qualified in the manner provided for by this act. They may resign their respective offices at any time by filing written notice of such resignation with the clerk of the common council, who shall publish a copy of such notice in the official papers of the said city. All vacancies which may occur in said common council by reason of death, removal, or resignation of a member or otherwise, shall be filled for the unexpired term by the election of the said common council, to be determined by

Continu-
ance in
office.

Resigna-
tions.

Vacancies

Special
election to
fill same.

a majority of all the members elected thereto, but the person so elected shall hold office only for the remainder of the unexpired term. In case a majority or any greater number of aldermen shall resign so as to leave less than a quorum of aldermen in office, the mayor shall then call a special election to supply the vacancy arising in each ward on account of such resignation. The election thus called shall be held on the same day in all of the wards where the vacancies shall exist, and the election shall occur within four weeks after such vacancies exist, and upon notice published in the official papers for ten days.

§ 3 Section seven of title three of said act as amended by chapter four hundred and forty-four of the laws of eighteen hundred and eighty six, is hereby amended so as to read as follows:

President
of council.

Clerk.

§ 7. The common council shall biennially elect a president from its own body, and in his absence a president for the time being, and biennially appoint its clerk, who shall receive a salary of twenty-five hundred dollars per annum, payable monthly, and who shall perform such duties as may be prescribed for him. The clerk so appointed shall also be the city clerk, and hold his office for two years, unless removed for cause and by consent of the common council. The city clerk shall have charge of all the papers and documents of the city, except as in this act otherwise provided, and except as are by law committed to the keeping and custody of other officers of the city government. The clerk of the common council may appoint an assistant who shall hold office during the pleasure of the clerk of the common council and receive a salary of one thousand dollars per annum, payable monthly. The common council shall hold a regular meeting on the first Tuesday of May in each year, at twelve o'clock noon, for the transaction of general business and the receipt of the mayor's annual message, and thereafter its regular meetings shall be held on the first and third Mondays of each month, and it may hold special meetings at such other times as it may choose, at the common council chamber.

Assistant
clerk.

Meetings
of council.

Rules, etc.

Expulsion,
etc., of
members.

Meetings
at call of
mayor.

When said day of meeting falls on a legal holiday, then said meeting shall be held on the Thursday following. It shall determine the rules of its own proceedings, except as herein otherwise provided; be the sole judge of the qualifications and election of its members; keep a journal of its proceedings, and may punish or expel a member for disorderly conduct or a violation of its rules, or declare his seat vacated by reason of absence, provided such absence be continued for the space of two months. But no expulsion shall take place, except by the vote of two-thirds of all members elected, nor until the delinquent member shall have had an opportunity to be heard in his defense. Said common council shall also meet at the call of the mayor, whenever he shall deem it expedient for the transaction of public business.

§ 4. Section eleven of title three of said act as amended by chapter six hundred and thirty-five of the laws of eighteen hundred and eighty-six, is hereby amended so as to read as follows:

Tax bud-
get, items
of, mayor
may object
to or re-
duce.

§ 11. The mayor may object to one or more and to each of the items of the annual budget to be prepared as hereinafter provided for, or may reduce the amount thereof, while approving of the other portions of the budget. In such case he shall append to the resolution of the common council, at the time of his signing it, a statement of the items to which he objects, or which he reduces in amount, and any item so objected to shall not take effect, or if reduced, it shall take effect only to the amount to which it is reduced, unless approved by a four-fifths vote of the common council as hereinafter provided.

Considera-

The mayor shall transmit to the common council a copy of such state-

ment, and each item objected to or reduced shall be separately considered. If, on such consideration, one or more of such items be approved by four-fifths of all the members elected to such common council, the same shall be part of the annual budget, notwithstanding the objections of the mayor. This section shall apply to the appropriation for each of the city boards and commissions, and for all other purposes.

tion of
objections,
etc., by
council.

Proviso.

§ 5. Subdivision thirty-seven of section fourteen, of title three of said act is hereby amended so as to read as follows:

37. Suits may be prosecuted in the corporate name of the city against any person or persons who shall violate any provisions of any law, ordinance or regulation of the common council of said city, or who shall neglect or refuse to perform any act or duty thereby required of him or them; and in every such action it shall be sufficient to state in the complaint, the by-laws, ordinance, or regulation, and the section thereof, upon which such action is brought; and proceedings for any violation of the ordinances of the city imposing a penalty, may be commenced by warrant for the arrest of the offender as well as by summons, to be issued by any magistrate or court having jurisdiction in the case, before whom complaint shall be made under oath, and every police justice in said city, and the city court of Albany shall have jurisdiction in all such cases.

Suits for
violation
of ordi-
nances,
etc.

§ 6. Section fifteen of title three of said act is hereby amended so as to read as follows:

§ 15. The common council shall have power by resolution, whenever for any cause it shall be necessary to change the boundaries of election districts to make such changes or to establish new districts, provided that each district shall be wholly within one ward of the city and shall alter or divide the existing election districts, when necessary, in such manner that each election district shall contain not more than three hundred voters.

Election
districts.

§ 7. Section seventeen of title three of said act, as amended by chapter one hundred and fourteen of the laws of eighteen hundred and eighty-nine, is hereby amended so as to read as follows:

§ 17. In addition to the number of copies of such journal that may be required by the clerk of the common council for the distribution herein provided for there shall be printed not exceeding five hundred copies, which shall be kept by said printer or clerk in some safe place; and immediately after the first day of January in each year such copies for the preceding year shall be properly indexed and bound, under the direction of the clerk of the common council, in two separate volumes; one shall contain the minutes of the several meetings of the common council, exclusive of the annual message of the mayor and the annual reports of the several departments, commissions and boards, and of other officers of the city required by law to render a report to the common council; and the second volume shall contain such annual message and reports. And such annual message and reports shall not be, nor shall any communication from said departments, commissions or boards be printed or published otherwise, or made public, except as provided in this act. Said second volume shall also contain a list of city officers, committees and other prefatory matter to be prepared by the clerk, all ordinances adopted in pursuance of section fourteen of this title during the current year, and also all amendments to the charter of the city, and other laws and amendments to laws relating exclusively to the city of Albany enacted by the legislature during

Journal of
council,
additional
copies of.

Indexing
and bind-
ing there-
of.

Annual
messages
and re-
ports.

Additional
matter for
second
volume

Distribu- such year, and the same shall be distributed under the direction of
tion. the common council.

§ 8. Section twenty-five of title three of said act is hereby amended so as to read as follows:

Street im-
prove-
ments,
etc., coun-
cil may
order and
direct.

Street
sprinkling.

Sewers,
drains,
bridges,
etc.

Vacant
lots, wells,
etc.

Cleaning
of streets
and side-
walks.

Assess-
ment of
expense.

Grades to
be fixed
and sewers
laid
before
pavement
of streets,
etc.

Sand founda-
tion.

Contracts
for sewers.

Laws and
ordinances
certain,

§ 25. It shall be lawful for the said common council to order and direct the reducing, excavating, filling, leveling, pitching, grading, planking, paving, repaving, macadamizing, or covering with stone, wood, gravel, sand or other material, any of the streets, sidewalks, wharves, docks, or roads, avenues, open courts, squares, places, alleys or lanes in said city, or the altering, repaving, repairing or regrading of the same, and to order the whole or any part of any street or avenue in said city to be sprinkled with water for such time as they shall deem proper, and to order and direct the making, repairing or cleansing of common sewers, vaults, or drains in any street, road, avenue, place open court, alley, lane or lot, or any private drain leading from any house or lot, and the making or repairing any bridge or bridges, arch or arches over any stream or run of water in said city, and the excavating, filling, reducing, leveling or fencing in any vacant lot or lots in said city, and to order the digging, making and filling in of wells and pumps in any public street or road in said city, and the cleansing of sidewalks, gutters and streets in front of all lots in said city from snow and from all dirt, filth and other obstructions or incumbrances, so as to permit citizens to use the sidewalks and streets in an easy and convenient manner; and the same shall be completed under the direction of the said city, within such time as to them shall seem proper, and for any of the improvements or work ordered as aforesaid, it shall be the duty of the board of contract and apportionment to estimate, apportion and assess the same and the expense thereof, as provided in this act; but no street or avenue shall be paved, nor shall any sidewalk be paved until the level thereof shall be fixed by law, and the same shall be graded in accordance with said level, nor shall any street be paved until a sewer shall have been laid therein either under the carriageway or sidewalk; such sewer to be composed and constructed of bricks laid in cement or earthen pipe with cement joints (whenever in the opinion of the common council an earthenware-pipe sewer is sufficient and proper for the locality) with suitable man-holes or lamp-holes and covers, having also where the sewer is under the carriageway, earthen-pipe side house drain connections, laid with cemented joints, on each side of said sewer, at such distance as may, in the opinion of the board of contract and apportionment, afford drainage to all houses and vacant lots, and said earthen pipe side sewers shall be at least six inches in diameter and constructed and carried up to the curb lines and one foot inside of the same, provided that such lateral house drains shall not be laid at the time of the construction of the sewer, except where the streets have been graded, and unless the board of contract and apportionment shall approve of such construction. And no pavement of any carriageway or curbstone where the same is to be laid on a sand foundation, shall be laid or set unless there is at least one foot of clean coarse sand thereunder, and no public sewer affording drainage for more than one house or vacant lot shall be laid otherwise than by virtue of a contract awarded by the board of contract and apportionment.

§ 9. Section twenty-nine of title three of said act is hereby amended so as to read as follows:

§ 29. No law or ordinance shall be passed by the common council for excavating, filling, forming, paving, repaving, curbing or flagging

any street, avenue, court or alley, or any part thereof, unless a petition shall have been presented to the common council, duly acknowledged by the several petitioners, or their duly authorized attorneys, asking for the same, signed by one or more persons, owning not less than one-third of the number of feet fronting both sides of that portion of the street, avenue, court or alley to be improved, as shall appear by the last annual tax-rolls on file in the office of the receiver of taxes, of which fact the certificate of the city engineer shall be conclusive evidence. After the presentation of such petition, duly acknowledged, and by the city engineer duly certified, a notice of such proposed law or ordinance shall be published by the clerk of the common council, for ten days, in the official newspapers, before its final passage, stating the kind of work and the limits of such improvements, as near as may be embraced in said law or ordinance, and inviting parties interested therein to present their objections, in writing, if any, thereto, and no law or ordinance for the laying and construction of any public drain or sewer or plank walk in any of the streets, roads, avenues, public places or public courts of said city shall be passed by the common council until a notice of such proposed law or ordinance shall be published in the manner and form provided in this section.

not to be passed without petition.

Notice of proposed laws, etc.

§ 10. Section thirty-six of title three of said act is hereby amended so as to read as follows:

§ 36. All laws and ordinances proposed, before being passed, shall be referred to the corporation counsel for revision, and no law or ordinance shall be passed, or deed, conveyance, articles of agreement, covenant, bond or contracts, in writing, shall be entered into under the direction of said common council, until such law or ordinance shall have been referred to the corporation counsel and his report, or that of his assistant, shall have been made thereon in writing, which report, in the case of all laws requiring petition, shall state that the petition has received the certificate of the city engineer, or until such deed, conveyance, articles of agreement, covenant, bond or contract shall have been approved as to its form by the corporation counsel or his assistant, except such bonds as are required to be taken by the street commissioner under section ten of title eighteen of this act. The corporation counsel or his assistant shall report within one month upon all matters referred to him under this section.

Reference of laws, deeds, etc., to corporation counsel.

Report.

§ 11. Section forty-three of title three of said act is hereby amended so as to read as follows:

§ 43. All ordinances and resolutions passed by the common council of said city, pursuant to the authority vested in it, may be read and received in evidence in any court in this state, when attested by a certificate of the clerk of the common council to the effect that the same are true copies thereof, and of the whole of the same respectively, or may be read from the volume of ordinances published by order of said common council without any other proof of the passage or publication thereof, but such publication shall be only presumptive evidence that the same has been duly published in the official newspapers as required by this act; and whenever it shall be necessary to serve or post any notice under the provisions of this act, the affidavit of the party serving or posting such notice to the effect that it has been done, shall, when attached to or indorsed on a copy of such notice, be prima facie evidence of such serving or posting.

Ordinances and resolutions, how read in evidence.

Affidavit of serving or posting notices, evidence.

§ 12. Section forty-five of title three of said act is hereby amended so as to read as follows:

§ 45. All claims against the city for damages for injuries to the per- Claims

against
city for in-
jury to
person or
property.

Law de-
partment
to consider
and report
thereon.

Actions for
recovery
of claims.

Costs, etc.,
against
claimant.

Petition
for certain
street im-
prove-
ments.

Action
thereon by
council.

son, claimed to have been caused or sustained by defects, want of repair or obstructions from snow or ice or other causes, in the highways, streets, sidewalks or crosswalks of the city, or because of negligence of the city as to the highways, streets, sidewalks, or crosswalks of the city, and all claims against the city for damages for injuries to property claimed to have been sustained by the negligence of the said city, or any of its officers, agents or servants, in any manner, or for any wrong or injury, shall be presented to the common council in writing, within three months after said injury is received. Such writing shall describe the time, place, cause and extent of the injury, so far as then practicable, verified by the oath of the claimant. The omission to present said claim as aforesaid, within three months, shall be a bar to any claim or action therefor against the city; and the law department, which shall consist of the recorder of said city of Albany, the law committee of the common council and the corporation counsel, shall consider said claim and report thereon to the common council within three months from the date of the reference of such claim, but no such claim shall be settled or paid except as prescribed in section ten of title five of this act.

§ 13. Section fifty-one of title three of said act is hereby amended so as to read as follows:

§ 51. Nothing in this act contained shall prevent any claimant against the city from bringing an action of suit against the city for the recovery of any alleged claim, provided that the allowance of the common council or chamberlain shall not be accepted; provided further, however, that no action or suit shall be brought or maintained until after the expiration of forty days after the said claim shall have been presented to the said common council as herein provided for; and said common council shall have neglected or refused to make any adjustment or payment thereof, nor shall the city be liable, nor shall any recovery be had against it, for any claim not contracted in the manner prescribed by law. In case the claimant in any action brought shall not recover more than the sum allowed by the common council or chamberlain, he shall be charged with the costs, allowances, and disbursements of the action, which shall in case of any recovery by him be deducted therefrom.

§ 14. Section fifty-three of title three of said act as amended by section one of chapter one hundred and ninety-six of the laws of eighteen hundred and eighty-nine, is hereby amended so as to read as follows:

§ 53. Whenever a petition is presented to the common council, signed and acknowledged by one or more persons owning not less than one-half of the number of feet fronting both sides of that portion of the street, avenue, court or alley to be improved, as shall appear by the last annual tax-roll on file in the office of the receiver of taxes, of which fact the certificate of the city engineer shall be conclusive evidence, and which petition shall in other respects, be in the manner and form authorized and required by this act for the grading, filling, forming, curbing, paving or repaving the carriageway, and for the flagging, sodding and setting out trees on the sidewalk of any street, avenue, court or alley, or any part thereof, with such kind of pavement except cobble stone, as shall be set forth in the petition, which pavement shall not be less than four thousand square yards in area, of which fact the certificate of the city engineer shall be conclusive: said common council is authorized in its discretion to provide for the general manner of the execution of such work, and to take such

action as under this act shall be proper in the premises, and to direct such work to be done ; and it shall be the duty of the board of contract and apportionment and the other boards and officers of said city to carry the same into execution and effect.

Execution of work.

§ 15. Section fifty-five of title three of said act as amended by section one of chapter one hundred and ninety-six of the laws of eighteen hundred and eighty-nine, is hereby amended so as to read as follows:

§ 55. If such petition shall be duly presented to the common council and shall be certified by the city engineer, as above provided for, then in such case the assessment for the expense of such work above provided for shall be and become due and payable in the manner and at the time and in the proportion following, and not otherwise, that is to say ; one-fifth part of each of such assessment, with interest on the whole amount of the entire assessment up to that time remaining unpaid from and after the date of the confirmation of such assessment, at and after the rate of interest specified in the bonds of the city issued under this act, shall be payable on the first day of September following the confirmation of such assessment ; and one-fifth part thereof with like interest on the whole amount of the entire assessment up to that time remaining unpaid from the date at which the last previous payment of interest is provided to be paid, shall be and become due and payable on each succeeding first day of September, until the whole of such assessment shall be paid. The owner of any piece of property so assessed may, at any time, pay to the chamberlain of the city of Albany the entire assessment upon his property, with interest at the rate aforesaid up to the time of such payment, and thereupon said property shall be discharged from the lien of such assessment. In case any payment so above provided for shall not be made when, as above provided for, it becomes due and payable, then such amount shall be collected by a sale of the property assessed, and such other, if any, proceeding as may be provided by law for the collection of ordinary assessments in said city. It shall be the duty of the chamberlain of the city of Albany immediately when any such default shall take place, to proceed, under the provisions of the charter of said city, to advertise the premises assessed for such amount so in default, and to sell the same for the amount due thereon, with interest on such amount from the time of such default, at the rate prescribed by the charter of said city in the case of ordinary city assessments, together with the costs and charges of the notice and sale. The property shall be sold subject to all subsequent payments chargeable thereto under the said assessment, and subject to any other city assessment then a lien thereon, and the chamberlain's certificate and chamberlain's declaration of sale shall each be conclusive evidence of the regularity of all proceedings prior thereto, including the sale. Whenever any brick or stone sewer, or sewer of both brick and stone, shall be constructed exceeding one thousand feet in length, the assessments levied and apportioned for the payment thereof exceeding the sum of fifteen dollars each shall be payable as herein provided for the payment of street improvement assessments, and bonds of the city for the aggregate amount of the assessments exceeding fifteen dollars each shall be issued, to be known as sewer improvement bonds, in the manner provided in section fifty-six or this title, and payable as therein provided.

Assessments when and how payable.

Right to pay entire assessment

Sale of property for unpaid assessments.

Brick and stone sewers, assessments for.

Sewer improvement bonds.

§ 16. Section fifty-seven of title three of said act as amended by section one of chapter one hundred and ninety-six of the laws of

eighteen hundred and eighty-nine, is hereby amended so as to read as follows:

Drains and
sewers, ex-
pense in-
cluded in
assessment
for im-
prove-
ments.

§ 57. The common council may, by a vote of two-thirds of all the members elected to said common council, direct that the expense of laying drains or sewers under the sidewalk or carriage-way of that portion of any street, avenue, court or alley, which shall be improved under the provisions of sections fifty, fifty-one, fifty-two and fifty-three of this title (if the laying of such drains or sewers be duly authorized by law), be included in the assessment for such improvement made due and payable in the manner prescribed by section fifty-two of this title; provided, moreover, that when a separate contract shall be awarded for the work of constructing the aforesaid sewers, the board of contract and apportionment may separately assess the expense of such work, and bonds covering the expense of laying the sewers shall be issued by the board of finance in advance of those needed for covering the expense of the remaining portion of work to be done under other contracts.

Proviso
when work
done under
separate
contract.

§ 17. Section two of title four of said act is hereby amended so as to read as follows:

Mayor,
election
and term
of.

§ 2. The mayor shall be elected at a charter election, and hold his office for the term or two years, commencing on the first Tuesday of May next after his election, and the acceptance hereafter of any other elective or appointive office by the mayor shall operate to determine and end his term of office as mayor. No person shall be eligible to the office of mayor unless he shall have resided in the city of Albany at least five years prior to his election, and has attained the age of twenty five years.

Eligibility.

§ 18. Section fourteen of title six of said act as amended by section one of chapter two hundred and forty-two of the laws of eighteen hundred and eighty-seven is hereby amended so as to read as follows:

Report of
chamber-
lain as to
receipts
from
assess-
ments, tax
sales, etc.

§ 14. The chamberlain shall also report the actual amount of money which shall have been received at his office during the year ending on the first day of said November, on account of each assessment and apportionment for any work and improvements or for the change of grade or level of streets which shall have been approved and confirmed during said year, the manner in which he has disposed of the money so received, and the real estate or other property purchased by him for the city because of the non-payment of any tax or assessment upon such property, and the aggregate sum for which said property was purchased, which sum, or any portion thereof that may be due by reason of such purchase, with interest thereon to the first day of January thereafter, shall be included in the city tax budget, be raised by tax and paid to the parties entitled thereto. The amount which may be realized by the city from collections, or from the sale of any property for the non-payment of such balances, and all moneys received from the sale of any real estate owned by the city, when received shall, from time to time, be applied to and made part of a fund to be created for the purpose of defraying any expense thereafter incurred by the city of Albany in making any of the purchases in this section referred to.

Receipts
how ap-
plied.

§ 19. Section eleven of title eight of said act is hereby amended by adding thereto the following sections.

Cleaning
streets and
removing
ashes, esti-
mate for.

§ 11. The board of finance shall, in the year eighteen hundred and ninety-one, and every two years thereafter, estimate the amounts required to be expended each year during the next succeeding two years, commencing on the first day of April, after such estimate for the pur-

pose of cleaning the streets, avenues, alleys, and public places of the city of Albany, and removing ashes therefrom, and shall present the same with the tax budget contained in their annual report to the common council of said city. After such appropriation is made, and upon the expiration of any existing contract for cleaning the streets of said city, and every two years thereafter, the board of contract and apportionment of said city is hereby authorized to make a contract in the manner hereinafter provided and in the name of the city of Albany, with some responsible person or persons for cleaning the streets, avenues, alleys and public places of said city, and removing ashes therefrom during the two years next succeeding the date of the expiration of the preceding contract, provided, however, that the contract so made shall not involve an expenditure during any year in excess of the amount estimated as aforesaid, as required to be expended for the purposes aforesaid during that year. The terms and conditions of the contracts authorized to be made by this section shall be fixed in specifications to be prepared under the supervision of the city engineer, which specifications shall be printed and filed in the office of said board of contract and apportionment before proposals are invited. The specifications shall require adequate security to be given for the performance of the contract. The said board of contract and apportionment shall advertise in the official newspapers in the manner required by this act for other contracts for proposals to perform the work in accordance with the specifications; each proposal must be accompanied by a certified check on a solvent banking incorporation in the city, payable to the order of the chamberlain, for the sum of five thousand dollars. From the proposals so received, the said board of contract and apportionment may select the bid, the acceptance of which will, in its judgment, best secure the efficient performance of the work, or it may reject any or all of said bids. On the acceptance of any bid by the said board, the checks of the unaccepted bidders shall be returned to them, and upon the completion of the contract the check of the accepted bidder shall be returned to him. The sureties on all such contracts shall be approved by the chamberlain of the city, and all such contracts and bonds securing the same shall be approved as to form by the corporation counsel. The administration of the contract shall be under the direction and supervision of the street commissioner. Whenever a sworn petition, signed by fifteen or more taxpayers of said city, shall be filed in the office of the street commissioner alleging that any contractor has failed in the performance of any of the requirements of the contract upon his part to be kept and performed, and also alleging in what particulars he has so failed, the street commissioner shall investigate the charges contained in said petition, and if after hearing any contractor he shall find that the contractor has failed to perform his contract in any of the particulars specified, he may, with the consent of the mayor, terminate the contract, and the finding of the street commissioner in that behalf, after the confirmation thereof by the mayor, shall be final and conclusive, and the said street commissioner shall proceed to make another contract for the unexpired term of the contract so terminated, and the contractor and his sureties shall remain liable to the said city for the damages it sustains by reason of his failure to perform the requirements of the contract so terminated. The street commissioner shall have power to cause the streets, avenues, alleys and public places of said city, to be cleaned, and the ashes to be removed therefrom during such times as a contract for the performance of such

Contracts
therefor.

Terms, etc.,
how fixed.

Proposals
for work.

Selection
of bids
and return
of checks.

Sureties,
etc., how
approved.

Charges
of non-
perform-
ance of
contracts,
investiga-
tion of.

Termina-
tion of
contracts
and pro-
ceedings
thereupon.

Street
commis-
sioner,
may cause
work done.

Contracts
in 1891.

work is not in force, and the expense of the work shall be paid out of the funds raised for the purposes aforesaid. During the year eighteen hundred and ninety-one, the street commissioner is authorized to enter into a contract or contracts after the manner in this section provided, and the payment for the work performed in pursuance thereof, shall be made out of the contingent fund.

Amount of
contracts
included
in esti-
mate.

§ 12. The said board of finance shall each year include in their estimate of the amount required to be raised for city purposes the amount necessary to meet during the year any existing contract for the cleaning of streets.

§ 20. Section three of title nine of said act is hereby amended so as to read as follows:

Board of
contract,
etc.,
powers of.

§ 3. Said board shall have charge under the direction of the common council of the altering, regulating, grading, paving, repaving, flagging, curbing, guttering, cleaning, sprinkling, opening, draining, repairing and lighting of streets, roads, places, alleys and avenues, of fencing and filling lots, of building, repairing and lighting docks, wharves and piers, and of the construction and repairing of public streets, drains, roads, alleys and bridges.

§ 21. Section twenty-eight of said title nine of said act is hereby amended so as to read as follows:

Contracts
for remo-
val of dirt,
garbage,
street
sprinkling,
etc.

§ 28. The board of contract and apportionment shall also enter into a contract or contracts, in accordance with the provisions of this act, for the removal of street dirt from streets, avenues and squares of the city, or the sprinkling of such streets and avenues and parts thereof as the board may designate, for the removal of garbage, for the repair and care of all unpaved, planked, earth and macadamized streets, the surface drains and crosswalks therein, except where special provision is otherwise made therefor by law, and in winter for the removal of snow and ice from the sidewalks in front of the city building and in and around the parks (other than Washington park). Such contracts except for sprinkling shall provide for the sweeping of the streets in front of city property, and shall fix the days and hours at which the street dirt and garbage shall be removed from the several houses, streets, squares and avenues in the city, and also, as far as practicable, the time within which the snow and ice shall be removed from in front of the city buildings and parks. The expenses thus incurred, except for sprinkling, shall be a city charge. The said board shall within ten days

Contracts
for sprink-
ling, how-
filed and
paid for.

after entering into any contract for sprinkling as herein provided, file with the water commissioners of the city of Albany a certified copy of such contract and upon the street commissioner certifying to the performance of the work required by any such contract it shall be the duty of the said water commissioners to draw upon the chamberlain of the said city for any sums due and payable to any contractor or other person for the performance of any such contract or part thereof in accordance with the terms thereof. Said drafts shall specify the objects for which they are drawn, and the chamberlain shall pay the same out of any moneys in his hands collected from city water rents, when accompanied by a receipt of the contractor or other person in

Apportion-
ment of
expense as
additional
water
rent.

whose favor the same may be payable. It shall be the duty of the said water commissioners to apportion and charge the expense of sprinkling any street or avenue or part thereof under any such contract with the incidental costs and expenses attending the same as additional water rents among all the houses and lots or vacant lots and franchises intended to be benefited by such sprinkling in proportion to the advantages which each shall be deemed by said water commissioners

to acquire, specifying the names of the owners or occupants, if known, or as they appear upon the tax rolls in the office of the receiver of taxes, of the buildings and lots, or vacant lots and franchises intended to be benefited as far as the nature of the case will admit. Such additional water rate so apportioned and charged shall be assessed and collected in the same manner and at the same time annually as the regular water rents of said city are now assessed and collected and shall be, like state and county taxes, a lien and charge upon such buildings, lots and franchises as is herein provided.

How
assessed
and col-
lected.

§ 22. Subdivision one of section four of title twelve of said act is hereby amended so as to read as follows :

Powers of
street com-
missioner.

1. Of opening, altering, regulating, grading, flagging, curbing, guttering, paving, repaving, repairing, sprinkling, and lighting all streets, roads, avenues, lanes, alleys, docks, and places in the city, and keeping the same clear of obstructions.

§ 23. Section three of title thirteen of said act as amended by section twelve of title thirteen of chapter three hundred and ninety-eight of the laws of eighteen hundred and eighty-eight, is hereby further amended so as to read as follows :

City engin-
eer.

§ 3. The city engineer shall make all surveys, measurements, maps, profiles, diagrams and plans necessary and proper for the taking of any land by right of eminent domain, or for the widening, paving, repaving or otherwise altering, changing or improving any street, avenue, alley, land, square or lot in said city of Albany, whenever they may be necessary for the use of any city officer or committee of the common council. He shall also make measurements and approximate estimates for all work to be done and materials to be furnished under contract with the city, and of all work performed and materials furnished, whenever such measurement and estimates shall be required by any city officer, the board of contract and apportionment, the common council, or any committee thereof, and shall make to such officer, board or committee, a detailed statement of such measurements and estimates, accompanying the same with a certificate to the effect that such statement is in all respects true and correct. He shall also make all surveys, measurements, maps, profiles, diagrams and plans necessary for the use of any city board or for the board of commissioners of "the Washington park of the city of Albany," or by the water commissioners, when requested, in pursuance of a resolution of any of said boards ; provided, however, that the city engineer may, in his discretion and in accordance with a notification made to the board requesting such work before it is undertaken, employ such extra help in doing such work requested as he may deem necessary, and charge all expense of such work to the board requesting the same. It shall be the duty of any of said boards to pay the expense of any such work requested to be done by the city engineer, and to provide for the same in the manner now provided by law for the other expenses authorized by them to be incurred.

Duty of, as
to making
surveys,
maps, etc.

Employ-
ment of
extra help.

Expense
of work.

§ 24. Section twelve of title thirteen of said act, as amended by section twelve of title thirteen of chapter three hundred and ninety-eight of the laws of eighteen hundred and eighty-nine, is hereby amended so as to read as follows :

§ 12. The grades of the several streets and avenues hereafter opened, shall, within as early a period as is practicable, and not to exceed six months, be established by the city engineer, a profile thereof filed in his office, and reported to the common council, and said grade shall be, as far as practicable, upon one plane between the intersecting

Grade of
new
streets,
how estab-
lished

Changes
how made

streets. Any change or modification in the existing grades of the several streets or avenues heretofore opened or now used as public streets of said city, and the determination by the city engineer of a grade for any such public street or avenue where none has heretofore been established by law, shall be reported to and be approved by the common council; provided, however, that the city engineer may, from time to time, modify and adjust the grades at the intersection of streets, as circumstances may require. Such new streets shall also be monumented within the time above named, and the claim for the expense of such monumenting shall be presented as prescribed in section six of this article and paid at a proper amount from the fund known as street contingents. All streets hereinafter deeded to the city of Albany must first be monumented in a manner that shall be satisfactory to the city engineer, and in accordance with his instructions, and such monumenting shall be considered a necessary condition to the acceptance of any street by the city.

Monu-
menting of
new
streets.

Inspectors
of public
improve-
ments.

§ 25. Section thirteen of title thirteen of said act as amended by section twelve of title thirteen of chapter three hundred and ninety-eight of the laws of eighteen hundred and eighty-nine, is hereby amended so as to read as follows :

Duties of,
how de-
fined.

§ 13. The city engineer shall define the duties of all inspectors of public improvements, and they shall report to him in such manner and at such times as he shall designate. He shall give notice, in writing, to the person or persons by whom the inspectors are appointed, and also to the inspector, of any failure or neglect on the part of any of said inspectors to properly perform his duty, and upon receipt of the same by said person or persons and inspector, the inspector complained of shall be suspended from his said office forthwith, and shall be removed unless the said inspector show cause to the contrary before the board of contract and apportionment of the city of Albany at its next regular meeting. The city engineer shall appoint a substitute for any inspector who may be suspended from his office, during the period of such suspension, and the person so appointed as a substitute shall be paid the same per diem allowance, and shall perform all the duties and have all the powers of the suspended inspector.

Notice of
neglect of
duty.

Suspen-
sions.

Substitutes
for suspen-
ded inspec-
tors.

§ 26. Title thirteen of said act is hereby amended by adding the following sections :

Engineer
to certify
to work
done.

§ 14. All work done under contract entered into under the authority by law or ordinance conferred upon the board of contract and apportionment, or by direction, appointment or employment of the street commissioner, shall, before it is accepted, and in addition to the certificate hereinbefore required, be certified to by the city engineer to the effect that such work has been done in a good and substantial manner, with the material required, of the quantity prescribed and in the manner directed in and by the terms of the contract or of such authority, direction, appointment or employment.

Inspectors,
employ-
ment of

§ 15. The city engineer may, in his discretion, appoint and employ an inspector (who, in the case of the construction of a sewer, must be a civil engineer) of any work during the continuance of such work, the cost of which shall exceed five thousand dollars, when such work is to be done under any contract for the construction of culverts or drains or for the paving of streets; and for any work that is being carried on in two or more remote sections, a separate inspector may be appointed for each section during the continuance of work thereon; provided, however, that no inspector shall be appointed on any section, the estimated cost of which is less than five thousand dollars. Such inspect-

Per diem

ors shall be paid a per diem allowance to be fixed by said engineer, to be included in the assessment to be made for the work inspected and to be collected thereby. The board is authorized to temporarily advance to such inspector his per diem allowance out of the fund known as street contingents, and when the amount of such allowance, so advanced, is collected by assessment, it shall be paid into such street contingent fund. No person shall be appointed as such an inspector until the local board of civil service commissioners shall have subjected him to an examination as to his competency and fitness for such an appointment, and shall have certified the same to the city engineer.

allow-
ance.

Subject to
civil ser-
vice ex-
amination.

§ 27. Title nine of said act as amended by section one of chapter two hundred and fifty-six of the laws of eighteen hundred and eighty-six, is hereby amended so as to read as follows:

§ 56. After any contract for any of the work or improvements specified in this title, the expense of which is to be assessed or apportioned upon the property benefited thereby, shall have been heretofore or shall hereafter be awarded by the board of contract and apportionment, and during the progress of said work, and before the same shall be fully completed or the assessments therefor collected, it shall be lawful for, and be the duty of the board of contract and apportionment, upon the written request of the contractor for such work theretofore filed with the city engineer who shall present the same to the said board at its first monthly meeting subsequent to such filing, to prepare and issue to him, from time to time, certificates of indebtedness to the amount of sixty-six per centum of the work actually done and performed upon said work, at the time of issuing said certificates, which amount shall be ascertained and determined by the city engineer, who shall carefully measure and compute the same upon the request of the contractor, and shall certify the same in writing to said board; said certificate shall be signed by the city engineer, who shall state in detail the number of units of labor and materials completed and furnished and the contract price for each unit as defined and specified in the contract therefor and the aggregate price thereof. Provided, however, that when the contractor, although the lowest bidder in the gross calculation, is to receive unusual or extraordinary prices for the different items of work when considered separately, the city engineer may determine the amount of said certificate not necessarily by the rates agreed upon in the contract, but by making an estimate of the work done, taking as a basis of the calculation the whole amount of the money that will have become due, according to the terms of the contract, when the whole work shall have been completed. The street commissioner and the inspector, if any be employed, shall also sign such certificate and shall certify that the work has been done in accordance with the contract and specifications therefor. The work to be so measured and computed shall be only such portion of the work contracted to be done as in all its parts shall have been completed as far as the nature of said work will permit and as shall require no further action upon it by the contractor, except where such further action shall not be considered essential to such completion, due deductions and allowance of the cost of fully completing the work certified being made and specified in the certificate.

Certificates
of indebt-
ness, issue
of to con-
tractors.

Amount,
how ascer-
tained and
deter-
mined.

What work
to be
measured
and com-
puted.

§ 28. Title ten of said act is hereby amended by adding the following section.

§ 6. If any person shall desire to open the carriageway of any street between the curb lines for the purpose of making sewer, gas or water connections, and said carriageway shall be paved with any pavement

Pipe con-
nections,
deposit
before
making.

Repair of
pavements
upon mak-
ing open-
ings.
Misdeme-
anor.

other than cobblestones, the person desiring to make such opening must first deposit with the street commissioner, such sum, not less than ten dollars, as the said street commissioner shall estimate the cost of repairs of the pavement broken for the aforesaid water, sewer or gas connections to amount to. Such repairs must invariably* by the street commissioner who shall refund to the person applying for permission to make the above-mentioned connections, any surplus that may remain after the repairs were completed. Any person making openings in any street pavement except cobble stones without first having paid to the street commissioner the sum above mentioned as estimated by him, shall be deemed guilty of a misdemeanor.

Corpora-
tion coun-
sel.

§ 29. Section ten of title five of said act is hereby amended so as to read as follows:

May settle
claims sub-
ject to
approval.

§ 10. He shall, whenever he considers that the best interests of the city will be subserved thereby, enter into agreements, in writing, subject to the approval of the mayor and board of finance, to compromise and settle any claims against the city, which agreement shall be forthwith submitted to the mayor, who shall, if he approves of it, recommend its adoption by the board of finance, and if approved by the board of finance such agreement shall be reported to the common council at its next meeting, and be and constitute a valid obligation against the city, and the amounts therein provided and to be paid shall, with interest thereon at six per centum from its date, be included in the next city tax budget, and when raised by tax be paid to the claimant. If, however, before the adoption of said city tax budget there shall be received by the chamberlain of said city from any source any moneys not otherwise appropriated to any specific use, said amounts in said agreements provided to be paid shall be paid out of said moneys so received, so far as said moneys will satisfy the same.

Amounts in
agreement,
how paid.

§ 30. Title five of said act is hereby amended by adding the following section:

Judgments
against
city, re-
port of.

§ 12. The amount of any judgment recovered against the city of Albany and payable by said city, and remaining unpaid, with the interest due, and to become due thereon, in case no appeal is intended to be taken or in case such judgment is finally affirmed on an appeal taken, shall be reported by the corporation counsel to the common council immediately after the same shall have become payable; and such amount shall be raised in the next levy of taxes for the expenses of the said city. Such judgment shall be paid out of the first moneys paid into the city treasury on account of such levy, in the order of their recovery. Until the money so raised shall be paid into the treasury and payment of said judgments refused by the chamberlain of the city, no execution shall issue against the said city, unless the amount of such judgment shall not have been included in the tax levy as aforesaid; provided, nevertheless, if there be any moneys in the treasury to the credit of the fund derived from the revenues of the city other than taxation, sufficient to satisfy said judgments, the common council shall direct the payment therefrom of said judgments in the order of their recovery.

Amount,
how raised
and paid.

Execution
when not
to issue.

Payment
of, from
revenues.

§ 31. Title seventeen of said act is hereby amended by adding the following sections:

Streets,
etc., open
to use for
five years,
public

§ 20. All streets, avenues and alleys in said city which have been or may be thrown open to public use, and have been or may be used as such for five years continuously, shall be deemed and taken to be public streets, avenues and alleys; provided that the common council

* So in the original.

shall, by a vote of two-thirds of all the members elected thereto, accept such streets, avenues and alleys; and the city of Albany and the common council thereof shall have all jurisdiction and power in respect thereto, the same as if such streets, avenues and alleys had been or shall be opened by proceedings, had for that purpose under the provisions of this act.

§ 21. Whenever the common council, by law or ordinance duly enacted, shall alter the pitch, level or grade of any street in said city, to the damage of any person being the owner of any building or other structure upon the lot abutting such portion of the street any such person may, by giving the notice required in and by section two of this title, which notice shall specify and describe by metes and bounds the lands on which such building or other structure is situated, shall contain a brief description of such building or other structure, and also a reference to such ordinance and the date of its passage, and upon serving a copy of such notice upon the corporation counsel of the city of Albany, at least ten days prior to the date of the hearing specified therein, apply to the supreme court, in the manner in said section provided, for the appointment of three commissioners, who shall possess the same qualifications and who shall proceed in the same manner as in sections three, four, five and six of this title prescribed, and shall apportion and award the damages and recompense which any owner of any such house or lot shall sustain by reason of the alteration of any established pitch or grade of any street, and after such award shall have been confirmed, and the costs, disbursements and expenses shall have been adjusted by the supreme court, as in this title provided, shall apportion and assess such damages and recompense, together with the costs of the proceedings, upon the owner or owners of all the houses and lots of ground which are benefited by such alteration of the pitch, level or grade of such street. Said apportionment and assessment shall be returned to the supreme court for confirmation, after giving ten days' previous notice, in writing, of the time when and the place where an application therefor shall be made to the owners or occupants of the lands assessed; and, when confirmed, said assessment shall be a lien upon the premises described therein, and shall be collected by the chamberlain in the same manner as in the act provided for the collection of other assessments and apportionments.

streets,
etc., \

Damages
from alter-
ation of
grades.

Notice of
application
for comra
of apprai-
sal.

Commis-
sioners,
their qual-
ifications
and duties.

Apportion-
ment and
assess-
ment.

Pay of
commis-
sioners.
Clerk.

Owner
liable for
costs and
expense
of pro-
ceedings.

Award
how paid.

§ 22. And the said commissioners shall be paid for their services at a rate not exceeding five dollars per day. The clerk of the board of contract and apportionment shall be the clerk of the said commissioners, and shall serve as such without any additional compensation.

§ 23. In case said assessment and apportionment shall not be confirmed by the court to which the same is presented, or is not referred back to the same or other commissioners for a rehearing or further report, or in case said commissioners shall report that the owner of such property is not entitled to the award of any damages or recompense, then such owner shall be liable for the costs, disbursements and expense, of such proceedings, which when adjusted as in section nine of this title provided, shall be a lien upon the house and lot of land, or either, so alleged to have been damaged, and shall be collected by the chamberlain as hereinbefore provided in the case of lots of ground benefited. The award and recompense awarded shall in all cases be paid out of the assessments collected by the chamberlain and not otherwise.

§ 24. And it is hereby further provided that no building or other structure, or the lot of land on which the same is situated, shall be

Buildings,
and lots

not
deemed
injured
unless,
etc.

deemed to have been injured by such change of grade, unless said house or structure shall have been built with reference to or said lot shall have conformed with the previously existing grade.

§ 32. Section eight of title nine of said act is hereby amended so as to read as follows:

Meetings
to receive
bids.

§ 8. For the purpose of receiving bids the board shall meet at the office provided for it, at a time of which at least four days' notice specifying generally the work to be done or materials to be furnished, and the place where specifications of the work to be done or materials to be furnished can be obtained, shall have been given in the official papers by five publications of such notice therein, all of which publications shall be made during the interval between two consecutive regular meetings of the board. But no bids shall be received and no contract awarded at other than a regular meeting.

§ 33. Section twenty-nine of title nine of said act is hereby amended so as to read as follows:

Apportion-
ment and
assessment
of expen-
ses of im-
prove-
ments.

§ 29. It shall be the duty of said board to apportion and assess all the expenses for work, labor and services performed, and all materials furnished, with the incidental costs and expenses attending the same for any of the work and improvements authorized by the common council, except when the same are made by law a city charge, among all the houses and lots, vacant lots and franchises intended to be benefited by such work and improvements, in proportion to the advantage which each shall be deemed to acquire, specifying the names of the owners or occupants, if known, or as they appear upon the tax-rolls in the office of the receiver of taxes, of the houses and lots or vacant lots and franchises intended to be benefited, as far as the nature of the case will admit. Such apportionment shall be duly verified by the street commissioner and city engineer and ratified and approved by the board of contract and apportionment; and when thus far perfected the said board shall cause a notice of the same to be published in the official newspapers of the city of Albany for five days, during which time the said apportionment and assessment shall be opened for inspection and examination by any person or persons interested; and on the application in writing, of any person considering himself aggrieved, which application must be made within five days after the last publication of said notice, and which application shall contain the post-office address of such objector, the clerk of said board of contract and apportionment shall cause a notice to be given to the parties so objecting, by serving such notice upon such objector personally, or by mailing the same to the address stated in such written application, which notice shall contain the time and place of such meeting, that they will be granted a hearing in the matter, at a meeting to be held for that purpose. After such hearing and consideration of the objections presented the board may review and correct such apportionment and assessment; and when the said board shall have confirmed the same, which confirmation must be had at a regular meeting of the board, as hereinbefore fixed, an abstract of the apportionment and assessment so approved and confirmed shall be filed with the chamberlain, and shall be binding and conclusive upon the owner or owners, occupant or occupants, of the houses and lots or vacant lots and franchises mentioned and referred to in said apportionment; and said apportionment shall be and remain a lien upon the house or houses and lots and vacant lots, franchise or franchises mentioned therein, from the time of such confirmation until the said apportionment or assessment shall be paid or satisfied; provided, however, that

Notice of
completion
there-
of.

Notice to
objectors.

Review
and con-
firmation.

Lien upon
property.

if the assessment or apportionment is changed upon any hearing had hereunder, it shall not be confirmed until five days' notice shall have been given by publication, as above provided for, that the assessment and apportionment as changed will be open to inspection. Under which notice the same proceedings shall be had as under the first notice above mentioned.

Proviso as to change in assessment.

§ 34. Section seven of title seventeen of said act is hereby amended so as to read as follows:

Condemnation proceedings.

§ 7. Such report being made by said commissioners, the corporation counsel shall cause a notice to be published in the official newspapers of said city for ten days that said report shall be presented to the supreme court, at a special term, or an adjourned special term, held at chambers in said third judicial district, to be in said notice designated, and the court shall thereupon hear all objections made to said report, and consider and decide upon the same, and may confirm or modify said report, or may send the same back to the commissioners for such further action on their part as shall be proper, and shall make an order containing a recital of the substance of the proceedings in the matter of the application and a description of the real estate appraised for which compensation is to be made. Nothing herein contained shall in any way affect any proceedings now pending.

Notice of application to confirm report.

§ 35. Section one of title twenty of said act is hereby amended so as to read as follows:

§ 1. No building, shed, shop or other structure of any kind, the outside walls, party-walls or exterior lateral walls, of which shall be composed in whole or in part of wood, shall hereafter be constructed within the fire limits of the city of Albany, nor shall any such building, shed, shop or other structure be removed or transferred from any place outside of said fire limits, to any vacant lot within said fire limits, or there be maintained as said fire limits are now established or may hereafter be extended by the common council of said city; nor shall any such building, shed, shop or structure, in whole or in part of wood as aforesaid, now existing or that may hereafter exist within the fire limits of said city be altered, rebuilt, added to or repaired in whole or in part with wood, as to its outside walls, exterior lateral walls, party-walls or roof, except in the way of ordinary repairs of ordinary wear and tear; provided, however, that when any inclosed building, that is to say a building having lateral exterior walls completely inclosing its area, and said walls resting in or upon the ground and said building covered at the top of said walls with a roof, is erected or constructed or now exists, the said exterior walls of which are wholly of brick, stone or iron as hereinafter described, wood may be used in the construction, alteration, rebuilding or repairing of its exterior doors, windows, stoops, balconies, cornices and piazzas, and in the construction, alteration, rebuilding and repairing of its interior, and of the roof, provided the roof be covered completely with some metallic or slate fire-proof substance. But no sheet-iron, corrugated iron or other metal shall be used for the construction of the outside walls or exterior lateral walls of such building, shed, shop or other structure unless as a covering for a brick wall which shall at least be eight inches in thickness throughout its whole extent.

Fire limits, construction, etc., of building in, prohibited.

Alterations and repairs.

Proviso as to use of wood for certain parts.

Sheet iron and other metals, use of.

§ 36. Title twenty of said act is hereby amended by adding the following sections:

§ 9. Any dwelling-house now erected, or that may hereafter be erected, in the city of Albany, more than two stories in height, occupied by or built to be occupied by two or more families on any floor above

Fire escapes, alarms and doors in

certain
buildings.

the first, and all buildings now erected, or that may be hereafter erected in said city, more than three stories in height, occupied by or built to be occupied by three or more families above the first story; and any building already erected or that may hereafter be erected in said city, more than three stories in height, occupied or used, or built to be occupied or used, as a hotel, boarding or lodging-house, and any factory, mill, office, manufactory or workshop now erected or that may be hereafter erected in said city, in which operatives are employed on any floor above the first story, and all buildings in an isolated position already erected, or that may hereafter be erected in said city, more than three stories in height, built to contain, or that does contain, or is occupied by three or more families above the first story, shall be provided with such fire-escapes, alarms and doors as shall be directed by the chief of the fire department. And the said chief shall have the power of determining the method of constructing the halls, stairways, ceilings, cellars, flues, furnaces, fireplaces and heaters in all buildings hereafter erected, or that may now exist; and the owner or owners of any building upon which any fire-escapes may now be or may hereafter be erected in said city, shall keep the same in good repair and well painted, and no person shall, at any time, place any incumbrance of any kind whatever upon any said fire-escapes now erected, or that may hereafter be erected in said city.

Power of
chief of
fire dept.

Repair
of escapes,
and in-
cumbran-
ces upon.

Public
buildings,
arrange-
ments of,
to facili-
tate egress.

Aisles and
passage-
ways in.

Notice by
chief of
fire dept.
to owners.

Refusal to
comply
with order.

Founda-
tions of
brick and
stone
buildings,
piers, etc.

Base
course.

§ 10. In all buildings of a public character already erected, or hereafter to be built in said city, such as hotels, churches, theaters, club-houses, school-houses, restaurants, railroad depots, public halls and other buildings used or intended to be used for the purposes of public amusement or instruction, the halls, doors, stairways, seats and aisles shall be so arranged as to facilitate egress in case of fire or accident, and to afford the requisite and proper accommodation for the public protection in such case, and all aisles and passageways in said buildings devoted to purposes of amusement or instruction shall be kept free from camp stools, chairs, sofas and other obstructions during any performance, service, exhibition, lecture, concert, ball or any public assemblage; and the chief of the fire department may, at any time, serve a written or printed notice upon the owner, lessee, superintendent or manager of any of said buildings, directing any act or thing to be done in or about the arrangement of the said buildings and the several appliances therewith connected, such as halls, doors, stairs, windows, seats, aisles and escapes, so as to afford the greatest possible security to the public in the uses to which they may be severally applied. Every person who shall fail, neglect or refuse to comply with the orders of said chief of the fire department relative thereto shall be deemed guilty of a misdemeanor.

§ 11. In all brick and stone buildings erected in said city of Albany, all foundations shall be started not less than four feet below the surface of the earth, and carried up to the first tier of beams on a good solid bottom, and in case the nature of the earth should require it, a bottom of driven piles, or laid timbers of sufficient size, shall be laid to prevent the walls from settling; the top of such piles of timber bottom to be driven or laid below the water line, and all piers, columns, posts or pillars shall be started on a bottom line in the same manner as foundation walls. The footing or base course under all foundation walls, and under all piers, columns, posts or pillars resting on the earth, shall be of stone or concrete, where, in the judgment of the chief of the fire department, the nature of the ground or the weight to be sustained require it, and if under a foundation wall, shall be at

least twelve inches wider than the bottom width of said wall; and if under piers, columns, posts or pillars, or truss girders, it shall be at least twelve inches wider on all sides than at the bottom width of such piers, columns, posts or pillars, and not less than twelve inches in thickness; and if built of stone, the stone thereof shall not be less than two feet by three feet, and shall be at least eight inches in thickness; all base stones shall be well bedded and laid edge to edge; if the walls to be built of isolated piers, there must be inverted arches, at least twelve inches thick, turned under and between the piers, or two footing courses of large stone, at least ten inches thick in each course. All foundation walls shall be built of stone or brick, and shall be laid in cement or lime and sand mortar, and if constructed of stone, shall be at least eight inches thicker than the wall next above them to a depth of sixteen feet below the curb level, and shall be increased four inches in thickness for every additional five feet in depth below the said sixteen feet.

Founda-
tion walls,
how built.

§ 12. No wall, structure, building, part or parts thereof, shall hereafter be built, constructed, altered or repaired in said city, except in conformity with the provisions of this title. Before the erection, construction, alteration or repair of any building or part of any building, in the city of Albany is commenced, the owner or owners shall submit a detailed statement in writing of the specifications, and a full and complete copy of the plans of such proposed building, erection, alteration or repair, which shall be accompanied with a statement in writing giving the full name and residence of the owner or each of the owners of such building, or proposed building; said detailed statement and copy of the plans and specifications shall be kept on file in the office of the chief of the fire department; and the erection, construction, alteration or repair of said building, or any part thereof shall not be commenced or proceeded with until said statement shall have been so filed, and said plans and specifications shall have been approved by said chief of the fire department; and every permit for the erection of a new building the lowest grade at which the floor of the basement-story of said building shall be laid shall be designated, and no permit shall be granted for the erection or alteration of any building now or hereafter built or constructed or altered, unless it being in a good and safe condition to be altered as proposed, and the alterations so made shall conform to the provisions of this title.

Statement
and copy
of plans,
etc., to be
submitted.

Approval
by chief of
fire dept.

Permits.

§ 13. Whenever any excavation in the city of Albany is to be carried to the depth of more than ten feet below the grade of the street, and there shall be any wall or structure wholly or partly on adjoining land, or near the intended excavation, the party causing such excavation to be made, if afforded the necessary permission to enter on such adjoining land, shall at all times, from the commencement until the completion of such excavation, at his or their own expense, preserve such wall or structure from injury, and so support the same by proper foundations that it shall remain as stable as before the excavation was commenced; should the person making such excavation fail to protect said walls or structure from injury for twenty-four hours after being notified by the chief of the fire department so to do, the said chief may enter upon said premises and employ such labor and furnish such materials, and take such steps as in his judgment may be necessary to make said wall or structure safe and secure; and any person or persons doing said work or any part thereof, by the order and direction of the chief of the fire department, may bring and maintain an action against the party or parties causing such excavation to be made for

Protection
of adjoining
walls,
etc., from
injury by
excavating.

Proceeding
upon failure
to protect same.

the value of such work, the party or parties causing such excavation to be made may recover compensation from the adjoining owner in case such adjoining owner should at any time thereafter make any use of said foundation below said ten feet below grade.

Piles for
support of
walls.

§ 14. Piles driven for a wall to rest upon shall be not less than five inches in diameter at the smallest edge, and shall be spaced not more than three feet on centers, in the direction of the length of the wall, and nearer, if required by the chief of the fire department; they shall be driven to a solid bearing, to be ascertained by boring, at the expense of the owner when required by the chief of the fire department, and the chief of the fire department shall determine the grade at which piles shall be cut off; walls not exceeding twenty feet in height, where piling is necessary, may rest on a single row of piles; if deemed advisable by said chief of the fire department, walls exceeding twenty feet in height shall rest on not less than two rows of piles; extra piles shall be driven where required by the chief of the fire department.

Founda-
tion walls
of brick
buildings
other than
dwellings.

§ 15. Foundation walls of brick buildings, other than dwellings, tenement or lodging-houses, shall be constructed of large sized quarry stone, laid in horizontal courses, with good bed and build-surfaces, wedged with slate, stone and laid in cement mortar, and eight inches thicker than the external or party wall immediately above and over the same; if said foundation is to be set to a depth of more than fifteen feet below the grade of the street for each and every five feet additional depth greater than fifteen feet below the grade of street, it shall be increased four inches in thickness; foundations of such buildings not more than forty feet in height may be built of rubble work laid in cement and sand mortar, if the thickness of the foundation walls is one-fourth greater than given for large sized quarry-stone, and laid as specified; in case of severe thrust or pressure on said walls, from any cause, there shall be such extra strengthening of said walls, by thickening, or by buttresses, or both, as the chief of the fire department may approve.

Founda-
tion walls
of brick
dwellings
or lodging-
houses.

§ 16. Foundation walls of brick buildings to be used for dwelling or lodging houses, not exceeding thirty-feet in height, if laid with large sized quarry-stone in horizontal courses, shall not be less than eighteen inches thick, or if in brick laid in cement, shall not be less than sixteen inches thick; exceeding thirty-five and not exceeding sixty feet in height, the foundations shall be not less than twenty-four inches thick, if laid in large sized quarry-stone in horizontal courses; if in brick laid in cement, not less than twenty inches thick; for every fifteen feet additional height the thickness of foundations shall be increased four inches; if the walls do not exceed seventy-five feet in height, the foundation walls may be built of uncoursed rubblework laid in cement mortar; but in all cases the thickness shall be one-fourth greater than that given for large sized quarry-stone, and the work shall be thoroughly bonded, and at least two-thirds of the bulk of the wall shall be through stones, and no round or boulder stones shall be used; provided that when such walls are laid on piles the lower course shall be block stone, not less than sixteen inches in height.

Footings or
base
course

§ 17. For brick buildings exceeding thirty-five feet in height, there shall be under all foundations, walls, piers, columns, posts and pillars resting on the earth, a footing or base course of stone or concrete, which, if under a foundation wall, shall be not less than twelve inches wider than the bottom width of said walls and not less than twelve inches thick; and if under piers, columns, posts and pillars, shall be of stone,

and not less than twelve inches wider on all sides than the bottom area of said piers, columns, posts and pillars, and shall not be less than two feet by three feet in area by twelve inches in thickness, and when laid to be thoroughly bedded in cement. If the walls rest on isolated piers, then there must be under such piers footings at least sixteen inches thick, thoroughly bedded in cement. All piles shall be capped with block-stone or granite bevelers, each stone to have a firm bearing on at least one pile in each row. Piles to be capped.

§ 18. Any building that may hereafter be erected or constructed in an isolated position and more than one hundred feet in depth, and which shall not have cross walls, shall be securely braced during construction, both inside and outside, if practicable; and if outside bracing is not practicable, it shall be properly braced from the inside, and the braces shall be continued from the foundation upward to at least one-third the highest of the building from the sidewalk level. Bracing of buildings during construction.

§ 19. In all calculations for the strength of materials to be used in any building the proportion between the safe weight and the breaking weight shall be as one to three for all beams, girders and other pieces subjected to a cross strain, and as one to six for all posts, columns and other vertical support, and for all tie rods, tie beams and other pieces subject to a tensile strain; the requisite dimensions of each piece of material are to be ascertained by computation by the rules given of the best authorities, using for constants in the rules only such numbers as have been deduced from experiments and materials of like kind with that proposed to be used. All mortar and cement shall be of the best quality for the purposes for which they are applied, and shall be properly mixed. Calculations for strength of materials.
Dimensions.
Mortar and cement.

§ 20. All roof or floor timbers entering the same party wall from the opposite sides shall have at least four inches of solid brick work between the ends of said timbers except that in eight inch walls, the butts or ends of the beams shall be cut on a splay of three inches in their width, and in all lath and plastered partitions there shall be placed a header of the same size as the uprights are constructed of, every four feet, so as to prevent fire from passing through the same. Roof or floor timbers.
Headers in partitions.

§ 21. The planking or sheathing of the roof of every building erected or built as aforesaid, shall in no case be extended across the party or sidewalls thereof; and every building, and the top and sides of the dormer windows thereon shall be roofed and covered with slate, iron, copper or tin to be approved by the chief of the fire department, and shall be equally capable of withstanding the influence of fire. Roofs and dormer windows sheathing, etc., of.

§ 22. Every party wall shall be built through and at least twelve inches above or distant from the roof boarding at every part of the roof; and shall be entirely covered with metal securely fastened and corbelled to the outer edge of all projections; or a gutter stone of suitable dimensions, and to be properly balanced, may be inserted in place of corbelling, but where the walls extend thirty-six inches above the adjoining building, parapet walls may be omitted; provided, that where mansard or French roofs are built over one or more buildings, the partition or division walls so roofed shall be carried up eight inches above the roof planking and shall be coped with stone, iron or other fire proof material. Party walls how built and coped above roof.

§ 23. The thickness of all walls in all buildings or additions hereafter erected or constructed, shall be not less than is given in the following tables for the different kinds of buildings. Thickness of walls in buildings or additions.

BUILDINGS FOR BUSINESS AND MANUFACTORIES.

DESCRIPTION.	Base- ment. Inches.	First story. Inches.	Second story. Inches.	Third story. Inches.	Fourth story. Inches.	Fifth story. Inches.	Sixth story. Inches.
One story.....	16	12	....	....	....	....	....
Two stories.....	20	12	12	....	....	....	....
Three stories.....	20	16	12	12	....	....	....
Four stories.....	24	20	16	12	12	....	....
Five stories.....	28	20	20	16	12	12	....
Six stories.....	30	24	20	16	12	12	12

Brick division walls.

DESCRIPTION.	Base- ment. Inches.	First story. Inches.	Second story. Inches.	Third story. Inches.	Fourth story. Inches.	Fifth story. Inches.	Sixth story. Inches.
Three stories.....	16	16	12	12	....	....	....
Four stories.....	20	20	16	12	12	....	....
Five stories.....	24	20	20	16	12	12	....
Six stories.....	28	24	20	20	16	12	12

Brick partition walls.

One story.....	12	12	....	....	....	....	....
Two stories.....	16	12	12	....	....	....	....
Three stories.....	16	16	12	12	....	....	....
Four stories.....	20	16	16	12	12	....	....
Five stories.....	20	20	16	16	12	12	....
Six stories.....	24	20	20	16	16	12	12

Front and rear walls.

Four stories.....	28	20	16	12	12	....	....
Five stories.....	28	20	16	16	12	12	12

Thickness
of walls
of dwell-
ings and
lodging
houses.

§ 24. The thickness of walls of dwellings or lodging-houses hereafter erected or constructed, shall be not less than is given in the following tables:

DESCRIPTION	Base- ment. Inches.	First story. Inches.	Second story. Inches.	Third story. Inches.	Fourth story. Inches.
Basement and two stories.....	18	12	8	....	....
Basement and three stories.....	20	16	12	8	....
More than three stories.....	24	16	16	12	12

Division walls.

Basement and three stories.....	16	16	12	12	....
Basement and four stories.....	20	16	16	12	12

Id. of
shops and
stores.

§ 25. The thickness of walls of shops and stores hereafter erected or constructed, shall be not less than is given in the following tables:

DESCRIPTION.	Base- ment. Inches	First story. Inches	Second story. Inches	Third story. Inches	Fourth story. Inches
Basement and two stories.....	18	12	12	....	....
Basement and three stories.....	20	16	12	8	....
More than three stories.....	24	16	16	12	12
Three stories.....	16	16	12	12	....
Four stories.....	20	16	16	12	12

§ 26. Where a wall is finished with a stone cornice the greatest weight of material of such cornice shall be on the inside of the face of the wall, so that the cornice shall firmly balance upon the wall; every fifth course at least of a brick wall shall be a heading or bonding course, except where walls are faced with brick, in which every ninth course shall be bonded with Flemish headers, or by cutting the course of the face brick and putting in diagonal headers behind the same.

Walls
finished
with stone
cornice.

§ 27. In the erection, construction or alteration of any building, the materials of which, in whole or in part, is other than brick, stone or wood, the thickness of walls of such material and the method of construction shall be such as the chief of the fire department shall approve.

Buildings
other than
brick, etc.,
construction
of.

§ 28. All brick walls and buttresses shall be of hard burnt, well-shaped bricks, well laid and bedded, with well filled joints, in lime or cement mortar, and well flushed up at every course with mortar; and all bricks used during the warm months shall be well wet at the time they are laid, and shall be dry at the time they are laid during the cold months.

Brick walls
and but-
tresses,
how laid.

§ 29. All walls of brick, stone or other similar material shall be thoroughly and practically bonded and tied, and solidly put together; shall be built to a line, plumb and straight, and laid with mortar or cement, and all supports of the same shall be of iron, brick or stone, and of sufficient size and strength to safely support the superstructure.

How bon-
ded and
built.

Supports.

§ 30. Vaulted walls of the same thickness, independent of withes, may be used instead of solid walls, and the walls on either side of air space shall be not less than eight inches thick, and tied together perpendicularly with continuous withes of hard burned brick of good quality, or other approved material, which shall be not more than three feet apart, and the air space shall be smoothly plastered.

Vaulted
walls.

§ 31. In all buildings over thirty feet in width and not having either brick partition wall or girders, supported by columns running from front to rear, the walls shall be increased an additional four inches in thickness for each story over and above the thickness given in the preceding tables, for every additional width of ten feet or part thereof of said building over thirty feet.

Buildings
without
brick par-
titions,
etc., thick-
ness of
walls of.

§ 32. In all brick stables and brick additions to stables, hereafter erected or constructed in the city, the outside walls shall be not less than twelve inches in thickness for the first story and eight inches in thickness for the second story, and if more than two stories in height, shall be not less than twelve inches in thickness to the top of the second-story beams.

Brick
stables
and addi-
tions.

§ 33. The height of stories for all given thicknesses of walls, as given in the preceding tables, must not exceed eleven feet in the clear for basements, eighteen feet in the clear for the first story, fifteen feet

Height of
stories.

in the clear for the second story, fourteen feet in the clear for the third and fourth story, and thirteen feet average height for the fifth and sixth story. If any story exceed these heights respectively, the walls of such story and all stories below the same shall be increased four inches in thickness in addition to the thickness given in the preceding tables. All outside, division or party walls shall extend above the roof of any building that may hereafter be erected or constructed in the city of Albany, two and one-half feet, and to be coped with stone well burnt terra cotta or fire proof material.

Party walls, extension of, above roof.

Hall partitions, when built of brick.

Bearing walls.

Recesses and openings in external walls.

Brick buildings without brick partitions, etc., walls of.

Smoke-houses.

Recesses in walls.

Guards, to prevent snow etc., falling from roof.

Girders, iron beams etc., for partition walls.

Wooden columns.

Facing for walls.

Rough lintels or bond timbers.

Walls how carried up.

§ 34. In all buildings more than one story in height, hereafter to be erected or constructed as a dwelling, tenement or lodging-house or for offices in which the lower part is to be used for business purposes or manufacturing, the hall partitions shall be built of brick and carried up to the full height of the building; the bearing walls of all buildings carrying beams or joists, shall, in all cases, be built up to the top of the joists, and be leveled off; recesses and openings may be made in external walls, provided that the backs of such recesses are not less than twelve inches in thickness, and that the area of such recesses and openings do not, taken together, exceed one-half of the whole area of the wall in which they are made.

§ 35. In all brick buildings over thirty feet in width, not having either brick partition walls or girders supported by columns running from front to rear, and the entire height of the building; the external and party walls shall be increased four inches in thickness for every additional twenty-five feet in the width of said building.

§ 36. All smoke-houses hereafter erected or constructed shall be built of brick or stone, and the doors and roof of the same shall be constructed of some non-combustible material.

§ 37. No continuous vertical recess, chase or flue shall be made in any party wall so deep that it will leave the thickness at the back less than eight inches at any part, and no recess of any kind shall be made in any eight-inch wall; no horizontal recess shall be made in any wall, except by a special permit from the chief of the fire department; no continuous vertical recess other than flues in stacks, shall be nearer than seven feet to any other recess.

§ 38. Every building near any street or sidewalk in the city of Albany, shall be provided with a balustrade, guard or other contrivance, sufficient to prevent any slide of snow or ice falling from the roof thereof, upon such street or sidewalk; any person neglecting or refusing to provide such protection after an order from the chief of the fire department so to do, shall be deemed guilty of a misdemeanor.

§ 39. Girders or iron beams and columns may be substituted for partition walls in buildings not more than seventy-five feet in width and shall be made of sufficient strength to bear safely the weight which they are intended to support in addition to the weight of material employed in their construction; but where wooden columns or girders are used the columns shall not be further apart than eight feet.

§ 40. Walls may be used with a facing of stone or other approved material securely tied to a backing of not less than eight inches of hard brick work laid in mortar by means of metal clamps; but the thickness of facing and backing taken together shall not be less than the thickness required for a brick wall of the same height; and no rough lintels or bond timber shall be used in any wall of any brick building, except arch forms for interior arched openings.

§ 41. In no case shall the side, end or party wall of any building be carried up in advance of the rear wall.

§ 42. All lintels used to support walls, or other weights over openings, shall be of sufficient strength and bearing to carry the superimposed weights and iron beams or lintels shall, where supported at the end by brick walls or piers, rest upon an iron plate at least two inches thick, the full size of the bearing, and where beams are not over six feet in length, the plates may be omitted. All arches not having sufficient piers or abutments to resist the thrust of the superimposed loads shall have proper and sufficient iron ties.

Lintels for support of walls.

Iron plates and ties.

§ 43. All walls of a brick building meeting at an angle, shall be anchored to each other, every six feet in their height, by wrought-iron tie anchors, made not less than one and a half inch by three-eighths of an inch, which shall be securely built into the side or partition walls not less than thirty-six inches; and into the front and rear walls at least one-half the thickness of the front and rear walls.

Anchor-
age, of
brick
walls meet-
ing at an
angle.

§ 44. All walls of a brick building on which the end of beams rest, shall be anchored at each tier of beams, at intervals of not more than six feet apart, with good strong wrought-iron anchors not less than one and a half inches by half an inch, well built into the walls and fastened at the top of the beams, and where the beams are supported by girders, the ends of the beams resting on the girders shall be butted together, end to end and strapped by wrought-iron straps or tie irons, at the same distance apart and in the same beams as the wall anchors, and shall be well fastened.

Id., on
which the
end of
beams rest.

End of
beams rest-
ing on
girders.

§ 45. No openings or doorways shall be cut through a party wall of a brick building without a permit from the chief of the fire department, and every such doorway shall have top, bottom, and sides of brick, stone or iron; shall be closed by two sets of iron or metal covered doors, (separated by the thickness of the wall), to be hung to rabbeted iron frames, or to wooden frames entirely covered with metal, or to iron hinges in brick or stone rabbets, and shall not exceed ten feet in height by eight feet in width; any opening other than a doorway shall be protected in a manner satisfactory to the chief of the fire department.

Openings
and door-
ways
through
party
walls.

§ 46. All buildings hereafter erected or constructed shall have only iron drains within the buildings and extending five feet outside of the wall of the buildings, and where said drain pipe passes through the wall there shall be a relieving arch, stone lintel or iron pipe inserted to relieve said iron drain. All drains below the cellar the floor or grade shall be laid with proper fall to sewer, in a trench.

Drains
within
buildings.

§ 47. All buildings shall be provided with iron pipe leaders for conducting the water from the roof through the flues to be firmly hung in such a manner as shall protect the walls and foundations from damage, and in no case shall the leaders be allowed to flow upon the sidewalk, but shall in all cases be conducted by drain pipe or pipes to the sewer. All drain pipe hung to wall or ceiling shall be firmly hung.

Iron pipe
leaders.

§ 48. Brick piers under lintels, girders or columns or* brick buildings shall have a cap of iron at least two inches thick, the full size of the pier; all piers shall be built of the best quality of good, well burnt, hard brick, laid in cement and sand mortar, and well wet when laid in warm weather.

Brick piers
under lin-
tels, etc.

§ 49. Brick piers and buttresses shall be bonded with through courses, leveled and bedded, each course, and where their foundations rest upon piles, a sufficient number shall be driven to insure a proper support.

Brick piers
and but-
tresses.

§ 50. Every metal column in a brick building shall rest on an iron plate of not less in thickness than two inches, or of stone of not less

Columns
and plates.

than eight inches thick ; wooden columns supporting girders and floors in such buildings shall set on inch and a half iron plates with sockets or counter sinkages ; metal columns placed one on top of the other shall have a plate at the top of each column, with projectors on both sides to fit into cap and base of columns, to prevent slipping, and all columns shall have holes bored where directed by the chief of the fire department into and through the shell at right angles to the shaft, so as to show the thickness of shell. All bearing parts of columns and plates shall be turned and planed to true surfaces.

Bearing parts.

Timbers, use of, in walls.

§ 51. No timber shall be used in the front or rear walls of any building hereafter built, erected or constructed within the city, where brick or iron is commonly used ; each lintel on the inside of the front or rear walls or side shall have a secure brick arch over it, and no wall strips in any wall thereof shall exceed in thickness one-half of an inch and in width two and a half inches ; and no bond timber in any wall thereof shall be more than four feet in length, and such bond timbers shall be laid at least eighteen inches apart from each other, longitudinally, on either side of any wall, and the continuous line thereof shall be broken every four feet by inserting bricks of not less than twelve inches ; and no front, rear or other wall of any such building now erected or hereafter to be erected as aforesaid within the city, or any brick or stone building or buildings in the city, shall be cut off or altered without a permit so to do having been first obtained from the chief of the fire department ; every temporary support placed under any structure, wall, beam, girder or column during the erection, finishing, altering or repairing of any building or part thereof shall be equal in strength to the permanent support required of such construction ; and the walls and roof of every building shall be strongly braced from the beams of each story until all the bearing parts of the construction are completed ; it shall be lawful to insert a lintel of wood over the doors and windows of the first story of stores, of oak or Georgia pine, of such length and size as shall be first approved by the chief of the fire department.

Walls, etc., not to be cut off without permit.

Temporary supports.

Wooden lintels, use of, in stores.

Floors, strength of.

§ 52. All floors shall be constructed to bear a safe weight per superficial foot, exclusive of materials as follows : For dwellings, tenement or lodging houses, one hundred pounds ; for buildings for light manufacturing or mechanical purposes, one hundred pounds ; for public buildings, one hundred and fifty pounds ; for storehouses, warehouses, machine shops and heavy mechanical purposes, two hundred and fifty pounds ; these requirements shall apply to all alterations, as well as to new buildings. All timbers used in the construction of floors or roofs shall be straight grained and free from large and loose knots or weakening shakes.

Timbers.

Headers and tail beams.

§ 53. Every header more than four feet long, used in any building, shall be hung in stirrup-irons, of suitable dimensions for the size of the timbers, and securely joint bolted. All tail beams shall be properly framed or hung to headers, the ends of all floor beams and rafters of a brick building entering a wall, shall be cut on a splay of three inches in their width.

Scuttles and bulkheads.

§ 54. Every building in the city of Albany, shall have scuttle-frames not less than three by four feet in size, and covers, bulkheads and doors on the roof, made of or covered with non-combustible material, and every scuttle shall have a stationary ladder and every bulkhead shall have a suitable stairway with sufficient guard or hand rail, to be ready for use at all times so as to afford a convenient access to the roof in case of fire, and in manufactories, dwellings, tenements or lodging

Ladders and stairways thereto.

houses such scuttle or bulkhead shall never be locked, but fastened by a hook or bolt on the inside, and the owner or occupant of any building not complying with these requirements shall be guilty of a misdemeanor.

How fastened.

§ 55. All main partitions supporting in any manner floor beams or rafters of a brick building shall be placed directly over each other, shall rest on a wall or metallic girder and shall head and foot against each other as far as practicable.

Main partitions supporting beams, etc.

§ 56. Stone or other walls shall not be built in freezing weather, and if frozen, shall not be built upon, when in the judgment of the chief of the fire department it is unsafe so to do, until thawed and rebuilt, if injured.

Building of walls in freezing weather.

§ 57. All buildings which are known as tenement lodging or apartment houses, which are arranged for or occupied by four or more families above the first story, which may be hereafter built or which may hereafter be altered to be occupied as above stated, shall have the halls and stairs inclosed with brick walls and the floors, stairs and ceilings of the halls shall be made wholly of iron, brick, stone, slate or marble, the stairs of such buildings shall extend to the roof and be inclosed with a bulkhead built entirely of fire-proof material, as hereinbefore provided.

Tenement, lodging or apartment houses, halls, stairs, floors, etc., in.

§ 58. In buildings where the space under the sidewalk is utilized, a sufficient stone or brick wall shall be built to retain the roadway of the street, and the size,* end or party walls of such buildings shall extend under the sidewalk to such curb-wall; the sidewalk in all such cases shall be of non-combustible material entire, and shall be adequately supported by brick walls or iron beams and columns; openings in such walls for the admission of coal or light shall be covered with lens lights in iron frames or with iron covers having a rough surface. No plain surface of glass shall be placed in any sidewalks where any one glass measures more than four inches square. Also open areas shall be properly protected with suitable railings, and when such areas shall be covered over with iron, or with iron or glass combined, or with stone or other material of sufficient strength in such covering shall be provided as will insure safety to persons walking on the same and to carry the loads which may be placed upon the same.

Sidewalk vaults, how constructed.

Open areas, protection of.

§ 59. All arches shall be at least four inches thick, arches over five feet span, shall be increased in thickness toward the haunches by additions of four inches in thickness of brick; the first additional thickness shall commence at two and a half feet from the center of the span, the second addition at six and a half feet from the center of the span, and the thickness shall be increased thence four inches for every additional five feet of span toward the haunches, or the space between the beams may be filled in with sectional hollow brick of burnt clay, or some equal good material, having a depth of not less than one and one-half inches to each foot of span, a variable distance being allowed of not over six inches in the span between the beams, the said brick arches shall be laid to a line on the center, with close joints, filled with cement-mortar in proportion of not more than two of sand and to one of cement, by measure, the arches shall be well grouted and pinned or chinked with slate and keyed.

Arches, how constructed.

§ 60. Cornices and gutters of all brick buildings or stone buildings hereafter to be erected or constructed shall be built of some non-combustible material, and in every case the greatest weight of stone, brick,

Cornices and gutters of brick or stone buildings.

* So in the original.

iron or other material of which the cornice shall be constructed of shall be on the inside of the outer line of the wall on which the cornice shall rest, in the proportion of three to wall to two to cornice, in weight, allowance being made for the excess of leverage produced by the projection of the cornice beyond the face of the wall and all fire-proof cornices shall be well secured to the walls with iron anchors independent of any wood-work, and in all cases the walls shall be carried up to the planking of the roof; and when the cornice projects above the roof, the walls shall be carried up to the top of the cornice, and the party-wall shall, in all cases, extend up above the planking of the cornice and be coped, and all exterior wooden cornices that may now be or that may hereafter become unsafe or rotten shall be taken down, and if replaced shall be constructed of some fire-proof material; and all exterior cornices of wood or gutter that may hereafter be damaged by fire, shall be taken down and if replaced shall be constructed of fire-proof material.

Unsafe
wooden
cornices.

Chimneys.

§ 61. No chimney shall hereafter be erected or constructed or permitted to remain in the city of Albany, unless built of brick, stone or iron, and the inside of all flues or chimneys the joints shall be struck up and shall be plastered on the outside below the roof after having been inspected, and shall have a fronting of masonry or iron supported by iron or corbels of brick or stone. No chimney shall be hung to an eight-inch wall or bear or rest upon wood, and no chimney corbelled from a wall shall project more than the thickness of the wall.

Joints
thereof,
and flues.

Fire
backs.

Heater
pipes, flues
and register
boxes.

Furring
and lath-
ing against
flues, etc.

Stops be-
tween
lathing
and wall.

Protection
of wood-
work.

Supports
of chim-
neys.

§ 62. All chimneys and all flues in all buildings hereafter erected, constructed, altered or rebuilt, without reference to the purpose for which they may be used, shall have the joints struck up on the inside, and the fire backs of all chimneys hereafter erected or constructed shall not be less than eight inches in thickness of solid masonry. And no tin or other metal flue or flues, pipe or pipes, or register box or boxes, of a single thickness of metal, used and intended to be used to convey heated air in any building hereafter built, altered or repaired in the city of Albany shall be allowed unless the same shall be built in a wall of brick or stone; in all other cases the said flue or flues, pipe or pipes, register box or boxes shall be made double, that is two pipes, one inside the other, at least one-half of an inch apart, and no wooden furring or lath shall be placed against any flue, metal pipe or pipes used to convey heated air or steam in any building, but shall be lathed with improved iron lath, and in no case shall wire lathing be used, and when any wall shall hereafter be furred or lathed with wood, the space between the lathing and wall shall be filled with plaster or brick, at the top and bottom under the sides of floor-beams of each story, so as to prevent fire from passing through from floor to floor. And no air flue shall be used at any time as a smoke flue; no steam pipe or radiator shall be placed within six inches of any timber or woodwork as aforesaid; no base flooring, wainscot or roofing or any other woodwork shall be placed against any brick or other flue until the same shall be well plastered with plaster of Paris behind such wood-work. All flues in any building shall be properly cleaned and tested upon completion of all such buildings as aforesaid. No chimney shall be started or built upon any floor or beam constructed of wood, and in no case shall a chimney be corbelled out more than eight inches from the wall, and in all cases the corbelling shall consist of at least five courses of brick; but if supported by piers, the said piers shall start from the foundation on the same line with the chimney breast, and shall not be less than sixteen inches on the face, properly bound into the walls.

All hearths shall be supported by arches of brick or stone, and no chimney in buildings already erected or hereafter to be erected or constructed shall be cut off below, in whole or in part and supported by wood, but shall be wholly supported by brick, stone or iron, and all chimneys in any building or buildings, as aforesaid, already erected or hereafter to be erected, or any other chimney in the city of Albany which shall become dangerous in any manner whatsoever, shall be repaired and made safe or taken down; cupola chimneys of foundries and chimneys or smoke-stacks used for conveying of the smoke of any steam boiler or engine in manufactories or work-shops shall extend at least five feet above the highest point of any roof within a radius of fifty feet of such cupola, chimney or smoke-stack, and be covered at the top with spark catchers or arresters of heavy wire netting.

Hearths.
Dangerous chimneys.

Cupola chimneys and smoke-stacks.

§ 63. No smoke-pipe in any building with wooden or combustible floors or ceilings shall hereafter enter any flue unless the said pipe shall be at least eighteen inches from either the floors or ceilings, and in all cases where smoke-pipes from stoves pass through stud or wooden partitions of any kind whether the same be plastered or not, they shall be guarded by either a double collar of metal with at least four inches of air space and holes for ventilation, or by a soap-stone ring of not less than three inches in thickness and extending through the partition, or by a solid coating of plaster of Paris three inches thick, or by an earthen-ware ring three inches from the pipe. In all cases where hot water, steam, hot air or other furnaces are used, the furnace smoke-pipe must be kept at least two feet below the beams or ceiling above the same, unless said beams or ceiling shall be properly protected by a shield or metallic plate suspended above said smoke-pipe with sufficient space for the circulation of air above and below said shield; and the smoke-pipe shall in all cases be kept at least eight inches from the beams or ceilings as aforesaid; and the top of all furnaces set in brick-work must be covered with brick, stone or metal plate supported by iron bars, and so constructed as to be perfectly tight, said covering to be in addition to and not less than six inches from the ordinary covering to the hot-air chamber. If, however, there is not height enough to build the furnace top at least four inches below the floor beams or ceiling, then the floor beams must be trimmed around the furnace, and said covering and the trimmers and headers must be at least four inches from the same; the top of every portable furnace not set in brick shall be kept at least twelve inches below the beams or ceilings with a shield of metal plate, made tight and suspended below said beams or ceilings, and extending twelve inches beyond the top of the furnace on all sides. All hot-air registers hereafter placed in the floor or partition of any building shall be set in marble or soapstone borders not less than two inches in width, all borders to be firmly set in plaster of Paris. And all register boxes to be made of tin plate with a flange on the top to fit the groove in the border, the register to rest upon the same. There shall also be an open space of two inches on all sides of the register box, extending from the underside of the ceiling below the register to the border in the floor; the outside of said space to be covered with a covering of metal plate, made tight on all sides, to extend from the underside of the aforesaid ceiling up to and turn under the said border. Registers twelve by nineteen inches, or less than fifteen by twenty-five inches, shall have a space of three inches between the register box and casing. Registers of fifteen by twenty-five inches and more shall have a space of three and one-half inches. All gas, water or other pipes which may be introduced into any building shall

Smoke pipe entering flues.

Furnace smoke pipes.

Heating furnaces.

Hot-air registers and boxes.

Pipes, cutting into beams for.

Notice of
placing
furnaces,
and heat-
ing appli-
ances.

not be let into the beams unless the same be placed within thirty-six inches of the end of the beams ; and in no building shall the said pipes be let into the beams more than two inches in depth. In all cases where hot water, steam, hot air or other heating appliances or furnaces are hereafter to be placed in any building, due notice shall first be given to the chief of the fire department by the person or persons placing the said furnace or furnaces in said building, or by the contractor or superintendent of the work.

Timber,
placing of,
near flues,
furnaces,
etc.

§ 64. In no building, whether the same be a frame building or otherwise, shall any wooden beam, girder or timber be placed on or in a wall, within sixteen inches of the inside of any flue, whether the same be a smoke, air or any other flue, nor shall any timber be placed under any fire-place or hearth-stone, and no base, wainscot, header, or other woodwork shall be placed against any furnace or boiler flue, unless there be at least eight inches of brickwork and at least two inches of plaster of Paris between it and the flue. All furnace flues shall have eight-inch backs or side walls, and the inside four inches from the bottom of the flue to the top of the second tier of floor beams, shall be of fire-brick laid in fire-clay mortar, or iron pipe of suitable size, set in fire-clay mortar, provided said pipe be surrounded with an air space of not less than one inch and four inches of brick-work. In case any furnace flue is built in the usual chimney stack and is opposite to the trimmer arch, then that side of the flue next to the trimmer arch may be four inches thick. All boiler flues shall be lined with four inches of fire brick laid in fire-clay mortar from the bottom of the flue to the height of fifteen feet, or to the top of the second tier of floor beams, and no flue shall be hereafter used as a furnace or boiler flue unless entirely suitable for the purpose, and such existing flues, shall, if defective and dangerous, be made safe in the manner herein specified. And no smoke pipe shall project through any external wall, window or roof.

Furnace
flues.

Boiler
flues.

Boiler
rooms.

§ 65. Every building in which a steam boiler of eight or more horse power is placed, shall have the space on the floor allotted for said boiler inclosed in brick work or some non-combustible material satisfactory to the chief of the fire department, and shall be so arranged that all openings between the said boiler-room and the other parts of the building in which it is placed, shall be protected by iron or metal doors, which shall be closed at the completion of each day.

Boiler and
heating
appliances
to be on
cellar floor,
except, etc.

§ 66. No boiler to be used for steam or motive power and no furnace for melting materials and no heater or range of any kind shall be placed upon any floor above the cellar floor, unless the same is set upon wrought-iron beams and brick arches, and in no case without a permit from the chief of the fire department. All woodwork and timbers must be removed from under and around the same. And no boiler, furnace or range set in masonry shall hereafter be placed or its location changed in any building, except as the chief of the fire department shall approve. And if any chimney, flue or heating apparatus of any kind on any premises shall endanger the premises or adjoining premises, it shall be the duty of the chief of the fire department to at once notify the owner or owners or agent of said premises and if such owner or agent fails for a period of forty-eight hours after being served with a written or printed notice, to make such change or alteration of such chimney, flue or heating apparatus safe, he or they shall be guilty of a misdemeanor.

Location
of boilers,
furnaces
and ranges.

Notice to
owners.

Hoistways
and eleva-
tors.

§ 67. In all buildings hereafter erected or that now exist in which there is a hoistway, freight elevator or well-hole, the roof immediately

over them shall be covered with a skylight of suitable dimensions. All passenger or freight elevators hereafter placed in any building shall be inclosed in solid brick walls or walls of non-combustible material to be approved, extending through and four feet above the roof, having suitable openings in the same, and the roof over all elevators shall be made of fire-proof material and covered with a glass skylight, and to be so arranged as to be readily opened in case of fire, and all elevators, either passenger or freight, which may now exist, shall have a trap-door cut into the same on floor of car, to be fastened with countersunk hinges, so that in case of fire, a line of hose can be carried to the top of the building. The chief of the fire department shall make such uniform regulations for the inspection of passenger elevators, with a view to the safety of passengers, and shall also prescribe such suitable qualifications for persons who are placed in charge of running passenger elevators; any repairs found necessary after an inspection are to be made without delay, and in case defects are found to exist which would endanger life by the continuous use of such elevator, then upon a written or printed notice from the chief of the fire department, the use of such elevator shall cease, and shall not again be used until a certificate shall first be obtained from the chief of the fire department that such elevator has been placed in safe order and is fit for use. And every store, warehouse, factory or other building in which there is any well-hole, hoistway, hatchway or elevator, the openings through and upon each floor of said store, warehouse, factory or other building shall be provided with and be protected by good and sufficient trap-doors or self-closing hatches and safety catches or other safeguards to be approved by the chief of the fire department, and shall be kept closed at all times, except when in actual use by the owner or occupant having the use and control of the same, and in case of any violation such owner or occupant having the use or control of the same shall be guilty of a misdemeanor.

Inspection of passenger elevators, etc.

Safeguards

§ 68. It shall be unlawful for any person or persons having the use or control of any building to encumber the floor space, windows or stairways, and cellars with boxes, barrels, casks, or other material unless a convenient passage shall be left open, so as to afford free access through said building in case of fire, and every person or persons having the charge or control of any building shall cause all hay, straw, sacks, bags, paper excelsior, or any other combustible material, at the close of each day to be securely stored or removed, so as to be safe from fire, and no person or persons shall deposit ashes or cause the same to be deposited or kept in any building, except the same shall be deposited in an iron or other metallic vessel or receptacle, and any person or persons having charge of any building who shall fail to comply with this section shall be guilty of a misdemeanor.

Encumbering of floors, windows, etc.

Combustible material, storage of, at close of day.

Ashes.

Misdemeanor.

§ 69. Whenever any building or part of a building in the city of Albany, shall become unsafe by reason of its use or mode of construction, said chief of the fire department shall have power to make such order, relative to the discontinuance or modification of such use, and the demolition, repair or strengthening of such building, after giving the parties in interest a written or printed notice and a reasonable opportunity to be heard, as the nature of the occasion requires; and to prohibit the use of such building or part of a building, until the order of said chief of the fire department is complied with; such order shall prescribe the time within which such use shall be discontinued or modified, or such demolition, repairs or strengthening to be made, and the said chief of the fire department shall cause a certified copy of

Unsafe buildings, powers of chief of fire department as to.

Order of chief.

Penalty
for neglect
to comply
with order.

said order to be served upon the owner or occupants of any such building or part of a building, or the agent of any such owner; every owner or occupant of any building or part of a building who shall neglect or refuse to comply with the order of said chief of the fire department, or his agent or servants relative to the use of such building, or part of a building upon notice thereof, as herein before provided, and every owner or occupant of any building or part of a building who shall neglect to comply with the order of said chief or his servants relative to the demolition, repair or strengthening of such building or part of a building, or the use of the same, upon notice thereof as herein provided, shall be deemed guilty of a misdemeanor.

Lights,
use of, in
theaters,
stores, etc.

§ 70. All lights used in theaters, and all places of public amusements, stables, manufactories, show windows or in any other building, shall be properly protected by globes, glass coverings, wire netting or screens, over and around them. Every owner or occupant of any building or structure now erected or that may hereafter be erected, failing or refusing to comply herewith shall be guilty of a misdemeanor.

Penalty.

Timber,
etc., piling
of, near
dwelling-
houses.

§ 71. No person or persons shall pile or cause to be piled, any boards, timber, shingles, lath, cord-wood or other lumber in the vicinity of any dwelling-house in the city of Albany, at less distance from such dwelling-house at the nearest point than double the height of such pile. Every person or persons who shall neglect or refuse to comply with this section shall be guilty of a misdemeanor.

Penalty.

Entry of
buildings
and prem-
ises for
extinguish-
ing fires.

§ 72. The chief of the fire department of the city of Albany shall have power, with necessary assistance, to enter any building or premises for the purpose of extinguishing or checking the progress of fire, or securing or protecting property; and he may direct the leveling, pulling down or destruction of any building or buildings, or any part or portion thereof; he may judge it necessary to level, pull down or destroy, to stay the further progress of fire, and it shall be lawful for him to enter and take possession of any building or buildings or any portion thereof for such purposes. And also shall have power with necessary assistance, to order and direct the leveling, pulling down or destruction of any building or buildings, or any part or portion thereof he may judge it necessary to level, pull down or destroy on account of or by reason of the unsafe or dangerous condition of the same occasioned by fire; and it shall be lawful for him to enter and take possession of the same for such purpose.

Destruc-
tion of
buildings.

Assistant
engineer
acts, etc.
of.

§ 73. The acts, orders and direction of an assistant engineer, in the absence of the chief, shall be deemed the acts, orders and directions of the chief of the fire department unless countermanded by him.

Violations
of title,
penalty
for.

§ 74. The owner or owners, occupant or occupants, lessee or lessees of any structure, staging, buildings, or parts thereof, any kind whatsoever, upon which any violation of this title may be placed, or shall exist, whether he or they may be the owner or owners, occupant or occupants of the land in fee or not, or be the lessee or lessees thereof, or has or have a qualified or contingent interest therein by virtue of some agreement or contract in writing, or in any other manner, any master, architect or architects, builders, carpenters or masons, who may be employed or assist therein, and any and all persons who shall violate any of the provisions of this title or fail to comply therewith, or any requirements thereof, or shall in any manner be liable therefor, shall severally, for each and every such violation and non-compliance, respectively, forfeit and pay a penalty in the sum of one hundred dollars; and any and all persons who shall violate any of the provisions of this title, or may be employed or assist therein, or who shall be liable therefor,

shall severally for every such violation not removed or requirement not complied with, within a reasonable time after due notice thereof shall be given to him or them respectively, forfeit and pay an additional penalty in the sum of one hundred dollars, for the recovery of which said penalties, or either of them, an action may be brought in any court of competent jurisdiction, and whenever any judgment shall be rendered therefor the same shall be collected and enforced as prescribed and directed by the Code of Civil Procedure of the state of New York; provided, however, in all cases of violation that shall be in existence at the time this title takes effect, that no penalty shall attach until after a notice shall have been given by requiring the removal of such violation or violations.

Judgment, how collected and enforced.

§ 75. Any and all persons who, after having been served with notice of violation as hereinbefore prescribed, and who shall fail to comply therewith, and shall continue to violate any of the several provisions of this title, or who shall be accessory thereto, shall be deemed guilty of a misdemeanor, and upon conviction of each and every offense shall be fined in a sum not exceeding one hundred dollars or may be imprisoned for a term not to exceed six months.

Penalty for continuing violations after notice.

§ 37. Section twenty-seven of title three and sections thirty-four, thirty-five, thirty-six and fifty-one of title nine of said act are hereby repealed.

Repeal.

§ 38. This act shall take effect immediately.

CHAP. 287.

AN ACT relating to the corporate rights and powers of railroad companies operating or owning street railroads.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 29, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The corporate existence and powers of every railroad company owning and operating a street or surface railroad wholly within a town, village or city, in which the population of such city, village or town is less than twenty thousand, and which has completed a railroad upon a portion of the route designated in its articles of association, within ten years from the date of filing such articles of association, and which has operated its said railroad continuously for a period of ten years last past, and is now operating the same, shall continue with like force and effect as though said company had in all respects and particulars complied with the provisions of chapter seven hundred and seventy-five of the laws of eighteen hundred and sixty-seven, entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations and regulate the same,' passed April second, eighteen hundred and fifty, and the amendments thereto.

Corporate existence and powers of certain companies continued.

§ 2. This act shall take effect immediately.

CHAP. 288.

AN ACT further to amend chapter twenty-six of the laws of eighteen hundred and eighty-five, entitled "An act to revise, amend and consolidate the several acts in relation to the city of Syracuse, and to revise and amend the charter of said city."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 29, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

City
charter
amended.

SECTION 1. Section one hundred and ninety-nine of chapter twenty-six of the laws of eighteen hundred and eighty-five, entitled "An act to revise, amend and consolidate the several acts in relation to the city of Syracuse, and to revise and amend the charter of said city," is hereby amended so as to read as follows:

Fire mar-
shal, ap-
point-
ment, etc.
of.

§ 199. The mayor shall appoint a fire marshal, who shall hold his office for the period of four years. He shall be a citizen of the city of Syracuse, practically qualified for the office, and not less than thirty-five years of age. He may be removed for cause upon charges duly furnished in writing by the mayor. The salary of the fire marshal shall be eighteen hundred dollars per annum, to be paid monthly out of the contingent fund. He shall keep his office in the city hall building, and his office hours shall be from nine to ten o'clock in the forenoon, and from four to five o'clock in the afternoon. It shall be the duty of the fire marshal to receive and act on all applications for permission to erect buildings and structures, or to make repairs or changes in existing buildings and structures within the limits of Syracuse, and to grant or withhold such permission. Sufficient plans and specifications for all buildings and structures hereafter to be erected within the limits of the city shall be submitted to him for his inspection and approval, but no such approval shall be given, unless the plans and specifications for such buildings or structures shall conform to the building laws of said city. It shall be his duty and he is hereby em-

Duty of,
as to
building
permits.

Plans, etc.,
to be sub-
mitted to
marshal.

Entry
upon
premises,
duties and
powers as
to.

powered to enter in any and all business premises within the city for the purpose of determining whether such work is being done according to the building laws of said city and in such manner as to insure the safety of such building or structure and surrounding property. In case such building or structure, or the alterations or repairs thereto, are not being done according to the building laws, nor in conformity to his directions, he shall have power, and he is hereby authorized and empowered to require such change and alterations to be made, as shall conform to said laws and his instructions. He shall have power, and it is his duty, and he is hereby directed to enter on any and all business premises within the limits of the city, to ascertain whether proper precautions are taken and observed and main tained against fire, and his duty shall be to make such examinations at least once every three months, and oftener if, in his judgment, it is necessary, and at any time, at the request of the mayor, the chief engineer of the fire department, or the secretary of the board of underwriters, giving the location. He shall have authority to order such things to be done as are necessary in his judgment to insure immunity from fire. Whenever a fire occurs in the city of Syracuse he shall be present, if practicable, and shall co-operate with the fire department in their efforts to

Duty at
fires.

stay the conflagration. He shall have authority to enter on the premises and make such observations and examinations as he may deem for the public interest and protection.

§ 2. Section two hundred of said act is hereby amended so as to read as follows:

§ 200. It shall be the duty of the fire marshal in every case to inquire into the origin of any fire, and in case he believes it to be of incendiary origin he shall proceed to investigate the same in the manner prescribed by the statutes of this state for investigating the cause of fire, and he shall possess all the powers and perform all the duties as provided in said statute. Every person who shall hinder, obstruct, or resist the building inspector and fire marshal in the discharge of his duty as imposed by these ordinances shall pay a penalty of not less than fifty dollars nor more than two hundred dollars, to be collected by the corporation counsel for each and every offense. The fire marshal shall keep a record book or books, wherein he shall enter the substance of all orders issued by him, all complaints made to him in matters within his cognizance, and all inspections and examinations made by him. He shall make a minute and thorough report to the common council quarterly and a yearly report at the end of each fiscal year of his office. All complaints for violations of the provisions of the ordinances in regard to the building laws, or the violation of the ordinances regarding the duty of the fire marshal shall be referred to the corporation counsel.

Investigation into origin of fires.

Penalty for resisting inspector and marshal.

Record books.

Report to council.

Complaints of violations.

§ 3. Section two hundred and two of said act, is hereby amended so as to read as follows:

§ 202. The city of Syracuse is divided into two building districts, first and second district.

Building districts.

1. The first building district shall be all that part of said city lying within the following lines, namely: Beginning at the intersection of the foot of West Adams street and Onondaga creek, along West Adams and East Adams to Montgomery street, along Montgomery street to Cedar street, along Cedar to Mulberry street, along Mulberry street to Lock street, along Lock street to Laurel street, thence northeasterly along Union street to Butternut street, thence northeasterly along Butternut street to Townsend street, thence northeasterly along Townsend street to Isabella street, thence southwesterly along Isabella street to Lock street, thence southeasterly along Lock street to Salt street, thence southerly along Salt street to Laurel street, thence southwesterly along Laurel street and its south line projected to Onondaga creek, thence westerly along Genesee street to West street, thence southerly along West street to Tracy street, thence southwesterly along Tracy street to a point opposite the center of Wyoming street, thence southerly to and along Wyoming street to Otisco street, thence easterly along Otisco street to West street, thence northerly along West street to Jefferson street, thence easterly along Jefferson street to the Onondaga creek, thence southerly along said creek to West Adams street, the place of beginning.

2. The second building district is all that portion of the city not comprised in the first building district.

3. In the construction of this act, if not inconsistent with the context, the following terms shall have their respective meanings herein assigned to them, namely: "External wall" shall apply to every outer wall or vertical inclosure of a building, other than a party wall. "Party wall" shall apply to every wall used, or built, intended as a

Terms used, defined.

separation of any building from any other building, to be occupied by any other persons. "Foundation wall" shall mean that portion of external walls below the level of the street curb, and for walls not on any street, that portion of the wall below the level of the ground outside of the wall. "Partition wall" shall mean any interior wall of masonry in a building. A "tenement-house" shall mean and include every house, building or portion thereof, which is intended to be occupied, or is occupied as the residence of more than three families living independently of one another, and doing their cooking upon the premises, or by more than two families upon a floor, so living and cooking, but having a common right in the halls, stairways, yards, water-closets or privies, or some of them. A "lodging-house" shall mean and include any house or building, or portion thereof, in which persons are lodged for hire for a single night, or for less than a week at one time.

Alterations
and addi-
tions to
buildings.

4. Any alteration in or addition to a building already erected or hereafter to be built, except necessary repairs not affecting the construction of the external or party walls, chimneys or stairways, shall, to the extent of such work, be subject to the regulations of this act. No building already erected or hereafter built, shall be raised or built upon in such manner that were such building wholly built or constructed after the passage of this act, it would be in violation of any provision thereof.

Notice of
intention
to build,
etc.

5. Every person intending to build or make any alteration in the external walls or structure shall, before he proceeds to build the same, or lay the foundation thereof, or to make the said alteration, give notice in writing of such intention and of the proposed location to the fire marshal at least ten days before doing any act for carrying such intention into execution.

Excava-
tions,
guarding
and pro-
tection of.

6. Any excavation upon a lot, adjoining a street, shall be properly guarded and protected by the person having charge of such excavation, so as not to become dangerous to public travel. Whenever any excavation shall be commenced upon a lot of land, and there shall be a party or other wall standing upon or near the boundary line of said lot, if the person whose duty it shall be to preserve and protect said wall from injury, shall neglect or fail to do so, for twenty-four hours after notice in writing from the inspector of buildings and fire marshal left at the usual residence or place of business of such person, said inspector may enter upon the premises, and employ such labor, obtain such materials, and take such other steps as may be necessary to make the same safe and to prevent the same from becoming unsafe, at the expense of the person owning said wall or building; and such inspector shall draw upon the contingent fund, to be paid by the city treasurer, for such necessary amount, and file with him the proper vouchers thereof, and such amount shall be levied and assessed upon the property involved and shall be collected in the same manner and at the same time as other city taxes.

Inclosure
of sites.

7. Whenever any person shall be about to erect or alter the exterior walls of a building, within five feet of the line of a traveled street, said person shall cause the portion of the site of said building bordering upon said street to be inclosed by a proper fence not less than four feet high, and at least seven feet from the line of said building, and if such fence shall prevent passage on the sidewalk, shall lay and maintain a plankwalk around the same not less than thirty inches wide, and said fence shall be made as much higher and the walk as much wider as the inspector of buildings and fire marshal shall direct, and

Walk
around
same.

the same shall be maintained until all liability to accident from falling materials shall be terminated. No person shall erect, or continue when erected, any scaffolding in any highway, for the purpose of repairing or erecting a building without first obtaining permission from the inspector of buildings and fire marshal, and all such scaffolding shall be so erected and secured as to be safe and sufficient for the purpose for which it was erected. In erecting any building, no person shall place, deposit, or suffer to remain in any street or highway, any lumber or any other building material, rubbish, or remains of any old building, for a longer period than may be necessary for the prosecution of the work which may be going on. All rubbish from the erecting or repairing of any building, or the removal of an old building, shall be carried away by the person so erecting or repairing such building at such time as the inspector of buildings and fire marshal may direct, and in case of neglect or refusal to do so, it shall be removed by the inspector of buildings and fire marshal at the expense of the person so erecting or repairing such building. Any person violating any provision of this section shall pay a fine of five dollars.

Scaffolding, erection of, in highways.

Deposit of materials and rubbish.

Penalty.

8. Every permanent building shall have foundations not less than four feet below the surface exposed to frost, resting upon the solid ground or upon concrete, piles or other solid substructure. The thickness of every wall, as hereinafter prescribed, shall be the minimum thickness as applied to solid walls. The height of every external or party wall, as referred to in this act, or in any act in amendment thereof, shall be measured from the level of the finish grade to its highest point.

Foundations of permanent buildings.

Height of walls, how measured.

9. For dwelling-houses with walls not exceeding thirty-five feet in height, foundation walls laid with stone in cement mortar, shall be not less than sixteen inches thick, and external and party walls of brick shall be not less than twelve inches thick for the entire height. For dwelling-houses with walls exceeding thirty-five and not exceeding fifty-five feet in height, foundation walls laid with stone in cement mortar, shall be not less than twenty-one inches thick, and laid in cement. External brick walls shall not be less than sixteen inches thick to the second floor, and twelve inches above, and brick party walls not less than twelve inches thick to the top of the upper floor, and not less than eight inches thick for the remaining height. For dwelling-houses with walls exceeding fifty-five feet in height, foundation walls laid with stone in cement mortar, shall not be less than twenty-four inches thick. External brick walls shall not be less than sixteen inches thick to the top of the second floor, and twelve inches above, and brick party walls not less than twelve inches thick to the top of the upper floor, and not less than eight inches thick for the remaining height. Dwellings with walls not more than twenty-five feet in height may be built eight inches thick.

Walls of dwelling-houses.

10. Buildings other than dwelling-houses shall have walls of the following thickness: For buildings in which the walls do not exceed fifty feet in height, foundation walls shall be laid of stone in cement mortar, not less than twenty-four inches thick. External walls shall not be less than sixteen inches thick to the top of the first story, and not less than twelve inches thick for the remaining height. For buildings in which the walls exceed fifty feet in height, foundation walls shall be laid of stone in cement mortar, not less than twenty-eight inches thick. For buildings exceeding fifty feet and not exceeding seventy feet in height, the external walls shall not be less than twenty inches thick to the top of the first story, not less than sixteen inches thick to the top

Walls of buildings other than dwelling-houses.

Increase
or diminu-
tion of
thickness
in certain
cases.

External
walls of
stables
and work-
shops.

Hollow
walls.

Hall parti-
tions in
tenement-
houses.

Wooden
supports
and use of
timber.

Anchors.

Party
walls,
coping
of, etc.

of the second story, and not less than twelve inches thick for the remaining height. For buildings exceeding seventy feet in height, the external walls of the two lower stories shall not be less than twenty-four inches, the next story above not less than twenty inches, thence not less than sixteen inches to the top of the fifth story, and not less than twelve inches for the remaining height. Party walls in such buildings shall not be less than twenty inches thick to the top of the second floor above the street, and not less than sixteen inches thick to the under side of the roof boards, and not less than twelve inches thick for the remaining height. In all buildings over twenty-five feet in width, not having either brick partition walls, or girders supported by columns running lengthwise of the building, the external walls shall be increased four inches in thickness for every additional twenty-five feet in width of said building. The amount of materials above specified for external walls may be used either in piers or buttresses, provided the external walls between said piers or buttresses shall be in no case less than twelve inches thick. If adjoining owners, instead of a party wall, shall each at the same time erect a wall on his own land, such walls may be twelve inches each in thickness, to such height as they shall be contiguous. When the floor joists of any building rest on brick corbeling, or on iron bearers, and are not built into the wall, the walls may be four inches thinner than required above, provided that such corbeling be not less than six courses in height, and be well bonded into the wall, and that no such wall be less than twelve inches thick. The external walls of stables, or workshops for light work shall be at least twelve inches thick, provided that no such building shall be over thirty feet high, nor cover more than three thousand square feet, and that said walls be not less than twelve inches thick. Hollow walls may be built, but all such walls shall be tied together with incombustible anchors placed not more than three feet apart. If used as bearing walls, the thickness shall be reckoned by their solid parts, unless either part is at least eight inches thick and solid vertical connections are made not less than twelve inches wide, nor more than eight feet apart from centers, in which case two-thirds of the hollow space shall be counted with the solid parts. In no case shall the ends of joists or other woodwork be allowed to come within four inches of the hollow space. In any building hereafter to be erected, to be occupied as a tenement or lodging-house, in which the lower part is to be used for business or manufacturing purposes, or which is intended to be occupied by more than four families, the hall partitions from the cellar to the second floor shall be built of non-conducting incombustible material. No rear, front, division or party wall of brick or stone shall be built upon or supported by any wooden girders, rafters or lintels, or other wooden supports, but upon iron, brick or stone of sufficient strength. No timber shall be used in any wall or building, except arched forms for interior arched openings. The side end and party walls shall be anchored at each tier of beams, at intervals of not more than ten feet apart, with good, strong wrought-iron anchors, and fastened to the beams. Party walls shall be coped with non-combustible material securely fastened, or with wood if covered with tin or other metal; and where there is a flat, hip or pitch roof, shall be carried up to a height of not less than two feet above the roof covering, at every part of said roof; and where the roof is of any style excepting as above specified, unless the same is constructed of fireproof materials throughout, the party walls shall be carried up to a height of not less than two feet above the flat or upper slope of

said roof. The ends of party walls shall be corbeled out at least twelve inches, or to the outer edge of all cornices or projections on the front or rear walls, provided, that if a gutter-stone of suitable dimensions and properly balanced shall be inserted it shall be equivalent to corbeling, and no continuous vertical recess of more than four inches in depth shall be made in any twelve-inch party wall, and no recess of any kind shall be made in an eight-inch party wall.

Ends thereof to be corbeled.

Recess therein.

11. Insolated brick piers shall be built of good, hard, well-burnt brick and under all lintels, girders, iron and other columns, shall have a stone template, a cap stone at least eight inches thick, the full size of the pier. Columns supported by brick walls or piers shall rest upon an iron plate at least one inch thick, or upon a cap-stone, at least eight inches thick, of a size satisfactory to the fire marshal. Under iron columns shall in all cases be an iron plate of not less than one inch in thickness. Every brick pier shall have one or more binders built therein of stone, not less than seven inches thick; these binders shall be full size of the pier. The distance between any two binders, or between either of them and the capstone or base of the pier shall not exceed four feet.

Brick piers and columns.

12. Floor beams shall have a bearing of at least four inches at each end. Every trimmer or header more than four feet long used in any building except a dwelling, shall be hung of stirrup irons, of suitable thickness for the weight to be supported. The butts or ends of all floor beams and rafters entering a brick wall shall be cut on a splay of three inches in their width. All main partitions supporting in any manner the floor beams or rafters shall be placed directly over each other, and shall rest on a wall, girder or hardwood capping, and shall head and foot against each other as far as practicable. Roof or floor timbers entering the same party wall from opposite sides, shall have at least four inches solid brickwork between the ends of said timber. Under the ends of iron girders resting in walls, a stone template shall be built into the wall not less in width than four inches less than the thickness of said walls, and not in any case less than four inches in thickness, and eighteen inches long. Iron wall plates may be used in place of such templates, not less than one inch in thickness.

Floor beams and rafters.

Templates under iron girders.

13. Flat roofs, shall be constructed to bear a safe weight, exclusive of materials, of not less than fifty pounds per superficial foot. Floors (except attic floors) shall be constructed to bear a safe weight, per superficial foot, exclusive of materials, as follows: For dwelling-houses, tenement-houses, apartment-houses, hotels, boarding-houses and stables, not less than seventy pounds; ordinary school-rooms and rooms for light mechanical purposes, not less than one hundred pounds; theaters, public halls, churches and all rooms liable to be crowded with people, not less than one hundred and twenty-five pounds; stores, factories, mills and business buildings, not less than one hundred and fifty pounds; storehouses, warehouses, machine shops, armories and drill-rooms, not less than two hundred and fifty pounds. No floor shall be loaded with a greater weight than that above assigned to its class, unless it shall have been previously examined by a competent architect, civil engineer, or master builder not interested in the construction of the building, who shall give a certificate of the weight per square foot such floor can safely sustain, a copy of which certificate shall be posted in a conspicuous place above or adjacent to such floor, and the weight therein named shall in no case be exceeded. No person shall load any floor to a greater degree than the above named, or shall remove any certificate posted as above.

Flat roofs and floors, how constructed.

Roofs in
first dis-
trict.

Cornices.

Roof pro-
jections.

Scuttles
and
ladders.

Skylights.

Chimneys
and flues.

Hearths,
fire-places,
etc.

Smoke-
pipes.

14. No roof within the first building district shall be built more than twenty feet in height from the top of street wall, nor so as to make the total height of the building over fifty-five feet, except it be constructed of non-combustible material, unless its pitch is at a less angle with the horizon than ten degrees; and all the exterior parts of any building hereafter erected, which are more than forty feet above the level of the finished grade, shall be made of or covered with non-combustible material. Incombustible cornices shall be well secured to the walls; and in all cases the walls shall be carried up to the planking of the roof behind the cornice, and where the cornice projects above the roof the wall shall be carried up to the top of the cornice, and all exterior wooden cornices, on brick, stone or iron buildings that shall hereafter require to be replaced, shall be constructed of some non-combustible material, as required for new buildings; and every exterior wooden cornice or gutter on brick, stone or iron buildings that may hereafter be damaged by fire to a greater extent than one-half of the whole thereof shall be taken down, and if replaced shall be constructed in accordance with the provisions of this act. Structures or projections above or outside of the roof of buildings over sixty feet high shall be made, constructed, framed and covered with incombustible material. Buildings shall have scuttles not less in size than two by three feet, or bulkheads and doors on the roof, and shall have stationary ladders or stairs leading to the same, and such scuttles and ladders shall be kept so as to be ready for use at all times. The skylights of all brick or stone buildings shall have the frames and sash made of or covered with metal; and shall be glazed with glass not less than one-quarter of an inch thick.

15. Chimneys shall be built of well-burned brick, stone or iron. Brick flues shall have joints filled and struck. Iron pipe if used must be inclosed in a brick flue, or in an outer pipe of non-combustible material, with a space between of not less than one inch, and all joints in such pipes must be thoroughly filled with fire clay or incombustible cement; brick chimneys must have outer brick walls at least four inches thick. Outside walls of flues not over one hundred inches in area for ranges, furnaces, boilers and ovens, shall be of at least six inches, if of greater area of at least eight inches thickness of brickwork. Brick flues, not starting from the foundation walls, shall be securely built into the brickwork of the walls to which they are hung. In no case shall chimneys rest upon any flooring. The brickwork of an isolated chimney shall not be carried over more than three-quarters of an inch to each course of brick, not* so far as to throw the center of gravity of said chimney outside of the base thereof. Flues shall be topped out at least three feet above the roof. Hearths of fire-places or grates shall be laid upon incombustible supports. Wooden centering, supporting a trimmer arch, shall be removed before plastering underneath. Brickwork back of all grates, fire-places and ranges shall be not less than eight inches thick; and when it adjoins a wooden or stud partition, shall have at least two four-inch walls with at least a two-inch air space between. No floor timber shall be secured to the brickwork of any flue. Smoke-pipes in buildings having combustible floors or ceilings, shall enter flues at least twelve inches from floors or ceilings; and where they pass through stud or wooden partitions, whether plastered or not, shall be guarded by a double collar of metal, with at least a four-inch air space and holes for ventilation, or by a soapstone ring at least four inches in thickness, extending through the

* So in the original.

partition; metal funnels carried through furring or studding, shall be filled around with brick or stone, for at least six inches out from the pipe. The smoke-pipe of any hot air, steam, hot water or other furnace, passing beneath wooden beams or ceilings, the woodwork shall be protected by a suitable tin shield. Tops of furnaces set in brick shall be covered with brick so as to be perfectly tight, and the tops of portable furnaces shall be at least one foot below any wooden beams or ceilings. Registers connected with hot air furnaces shall be set in non-conducting incombustible borders at least two inches wide. Register boxes shall be made of tin plate with a flange on the top to fit a groove in the border. There shall also be an open space of not less than one inch on all sides of the register box (extending in floor registers from the underside of the ceiling, below the register, to the border in the floor) the outside of said space to be covered with a casing of tin plate, made tight on all sides, to extend to and turn under the said border. Registers of fifteen by twenty-five inches or more, shall have a space of not less than two inches. All woodwork near all tin or other metal flue or pipe used or to be used to convey heated air, shall be protected by a soapstone or earthen ring or tube, or a metal casing so constructed as to permit free circulation of air around said pipe or flue. Stoves shall be placed at least twenty inches and smoke-pipes at least twelve inches from any unprotected woodwork. Woodwork within said distances shall be protected by metal covering, and if within less than one-third of said distances, shall have a double metal covering with ventilating air space between. Open fire-places, heaters, cooking ranges, set-kettles and the like, shall have fire-proof foundations, with fire-proof hearth extending not less than sixteen inches from the grate or ashpit. No brick structure to contain fire shall be allowed on a wooden floor in any building. The provisions of this section shall apply to buildings already erected, if found necessary, and ordered after examination of the premises, by the fire marshal. No heater shall be used in any room where hay, straw, or highly inflammable materials are kept or stored, unless properly protected; no lights, except gas, shall be used in such room unless contained in a glass globe, lantern or chimney. Steam pipes shall be kept at least one inch from all woodwork, or shall be supported by an incombustible ring or tube, or rest on iron supports. Depositories for ashes in the interior of any building shall be built of incombustible material. If any chimney, flue, or heating apparatus, shall, in the opinion of the fire marshal, be unsafe by reason of endangering the premises by fire or otherwise, the fire marshal shall at once notify in writing the owner, agent or other party having an interest in said premises, who upon receiving said notice, shall make the same safe in pursuance of the terms of said notice.

Furnaces
and
registers.

Wood-
work,
protection
of.

Founda-
tions for
fire-places,
heaters,
etc.

Heaters,
and lights,
use of, re-
stricted.

Steam
pipes.

Ashes.

Notice to
owners of
unsafe
chimneys,
etc.

16. Boiler-houses and boiler-rooms in woodworking establishments, or where inflammable materials are used, or where shavings or highly inflammable fuel is used, shall be inclosed with brick, stone or concrete walls, or iron studs, filled with concrete. Roofs or floors over such boiler-rooms shall be made of iron, brick, stone or concrete arches or slabs, or if of wood shall be protected with fire-proof tile or plastered on iron laths, or wire netting, or covered with metal. The doors to such rooms shall be of iron, or of wood covered with metal, and have an opening in said door glazed with not less than one-quarter inch thick glass, and shall be kept securely shut, except during working-hours. The floors of rooms containing stationary boilers shall be made of incombustible material for at least ten feet in front, and for such distance on the sides and rear as may be required by the fire marshal.

Boiler-
houses and
boiler
rooms.

Wood-
work
therein.

Wooden floors under portable boilers shall have close protection of incombustible material. No woodwork shall be placed within one foot of such boiler or smoke-pipe, or within six feet of the front, four feet of the sides, top, rear or smoke conductor, unless protected by fire-proof tiles at least one-half inch thick, or by being plastered on iron laths or wire netting, or by metal sheathing with at least a one-inch air space between the wood and metal; the overheads, immediately over hot water or low pressure steam boilers, used exclusively for heating, if within four feet of the top thereof, may be plastered on wooden laths, or sheathed with metal. Rooms for drying lumber or other inflammable material heated by direct heat from the top of boilers, shall be constructed and roofed and have doors as described for boiler-houses.

Rooms for
drying
lumber.

Fire-
escapes.

17. Every building already built, or hereafter to be erected, in which twenty-five or more persons occupy any of the stories above the second story, shall be provided with proper and sufficient strong and durable metallic fire-escapes or stairways constructed as required in this act, unless exempted therefrom by the fire marshal, which shall be kept in good repair by the owner of such building, and no person shall at any time place any incumbrance upon any of such fire-escapes.

Hoistways
and eleva-
tors.

18. In all buildings hereafter built in which shall be placed any hoistway or elevator, not inclosed by fire-proof partitions and doors, nor placed in the well-hole of the stairs, the opening thereof through and upon each floor shall be provided with and protected by a good and substantial railing, and good and sufficient trap-doors with which to close the same, and such trap-doors shall be kept closed during the night-time, except said hoistway or elevator shall then be in actual use. In all buildings hereafter to be built within the first building district which shall be occupied by more than fifty persons and which shall be more than three stories in height in which shall be placed an elevator, such elevator shall be inclosed in fire-proof partitions.

Stairway
partitions
in certain
buildings.

19. Factories, mills and buildings, where more than twenty-five operatives are employed, hotels, boarding, tenement, lodging and apartment houses, and business buildings less than fifty feet high not hereafter specially mentioned, shall have the partitions adjacent to or inclosing said stairways constructed of incombustible material, or of at least two by four studding plastered on both sides and protected as follows: The space from the top of the lathing or head of the partition below to a line three inches above the top of the base-board or six inches above the top of the floor, if there be no base-board, and the space adjoining the strings of the stairs from the under side of said strings to a line three inches above the base-board thereof, or six inches above the rake of the nosings, if there be no base-board, shall be filled in solid with brick or stone set in mortar, concrete grouting, tile or other incombustible filling; if the stairs are wainscoted there shall be a similar filling three inches above and below the top lines of the wainscoting, and when such buildings are over three stories high, warehouses, storehouses, and business buildings over fifty feet high, such partitions shall be constructed as above described, and shall be further filled solid in a similar manner for the whole height thereof, or be plastered on the sides adjoining the stairway on iron laths or wire netting, or covered with tile or other incombustible non-conducting material. Public halls, churches, school-houses, and places of public assembly, not hereafter excepted, and business buildings shall have stairway partitions constructed as herein described, but unless filled-in solid shall be plastered on both sides on iron or wire laths, or be covered with other incombustible material.

bustible non-conducting material. In theater or public halls, fitted for theatrical performances, stairway partitions and inclosures must be substantially incombustible. Stairs occupied by or exits leading from any place of public assembly, shall not have a pitch greater than eight inches rise to twelve inches run, nor discharge at right angles with, or confronting each other, upon or into any common landing or corridor of less than the united width of such exits, nor unless separated by a sufficient railing or partition. No doorway or stairway leading from a theater or other place of public assembly, shall be less than five feet wide; and the aggregate width of doorways and stairways, from galleries or interior compartments of such buildings, shall be in the proportion of at least eighteen inches to each one hundred persons at any time contained therein. Exterior openings or stairways shall have the same proportionate width to the whole number contained in the building. All exit doors from theaters or other place of public assembly shall open outward. Buildings over two stories high, where combustible articles or materials are manufactured, wherein over two hundred operatives are employed, must have at least two egress stairways to be if practicable, at least fifty feet apart, and if that distance is not practicable shall have stairways at each end.

20. Every building or hall which is or shall be fitted up for theatrical or other performances, requiring the use of inflammable materials, stage, and so forth, shall be provided with not less than two stand-pipes at least two and one-half inches in diameter, located in such positions as the fire marshal shall approve, to each of which shall be attached one or more lengths of hose or sprinkling pipes, so as to reach every part of such stage and audience room and the connections therewith. And whenever said stage or hall shall be in use, such stand-pipes shall have the water turned on and a suitable person stationed at the hose ready for service. Every building which may hereafter be built for the purposes herein set forth, shall have the staircases connecting with all floors and galleries inclosed with fire-proof walls or partitions; and the staircase from the stage shall be accessible from every level of its appurtenances. The wall separating the stage from the audience room shall also be of fire-proof material from the level of the ground to the roof, and all openings in such wall shall be closed with incombustible shutters or doors or curtains which shall be lowered at the close of each performance. The overheads immediately beneath the floors of the auditorium, stairways or corridors of public assembly to be hereafter built, shall be plastered on iron laths, or wire netting, or protected by incombustible material, unless such floor be within three feet of the ground and the space thereunder be inclosed by incombustible walls, and kept clear of combustible material or heating apparatus. The auditoriums of churches shall be exempt from these requirements, provided the premises thereunder be used for church purposes only, and the heating apparatus be inclosed in a room properly guarded against taking fire.

21. Tenement and lodging-houses shall conform to all the requirements for dwelling-houses hereinbefore contained. Every tenement or lodging-house shall have proper means of escape in case of fire. No tenement-house or lodging-house, or any portion thereof, shall be used as a place of storage for any combustible article, or any article dangerous to life. No building hereafter erected or portion thereof shall be leased, rented or occupied as a lodging or tenement-house, unless it shall conform in its construction and appurtenances to the requirements for dwelling-houses hereinbefore contained, and shall not be

Stairs and exits in places of public assembly.

Stand-pipes in theaters, etc.

Staircases.

Wall separating stage from audience-room.

Overheads beneath floors and auditorium, etc.

Tenement and lodging houses.

over three stories high or two thousand square feet area, unless its exterior walls are brick, stone or concrete. No such house shall exceed two thousand square feet in area, unless divided by a brick wall without openings. No person shall hereafter erect, alter or enlarge any building for a stable, except in such place as the board of health shall first approve.

Wooden
buildings
in first dis-
trict.

22. No wooden or frame building shall be built, or added to if already built, within the first building district, any part of which shall be more than fifteen feet in height, or the area more than two hundred square feet. The roof of all such wooden buildings shall be covered with incombustible material. The fire marshal may authorize the erection of elevators for grain or coal to a greater height than fifteen feet, and temporary sheds not over fifteen feet in height for the use of builders while at work upon building sites. No wooden building shall be removed from without to within the first building district.

Wooden
buildings
in second
district.

23. Wooden or frame buildings to be used as dwellings only, may be built in the second building district, but no part of the wall shall be placed at a less distance than three feet from the line of the lot on which it stands, except from a street line. Wooden or frame buildings other than dwellings, may be built in the second building district, provided such building is not more than thirty feet in height, nor more than twenty-five hundred square feet in area, and shall conform to the regulations prescribed herein for buildings of the same class in the first building district, except that in no case shall such wooden building be erected within three feet of a side or rear line of a lot, unless the space between the studs on said sides or rear be filled in with brick and mortar or other equally incombustible material. The fire marshal may authorize the erection of wooden or frame churches or chapels in the second building district to a greater height and area than above required.

Notices,
how
served.

24. In all cases where by the provisions of this act, notice is required to be given, such notice shall be served by posting a written or printed copy thereof on the premises concerned, and leaving a duplicate copy thereof at the usual place of abode of the party interested, if within the city, or by mailing such duplicate in a registered letter to the usual address of said party, if residing without the city, or publishing the said notice for three successive days in the newspapers employed to do the city printing. Any notice served upon the architect or other duly authorized agent in charge of any building or estate, shall be binding upon the owners thereof. Any person violating any provision of this act wherein no penalty is herein otherwise prescribed, shall be fined twenty dollars for every violation thereof, and shall be fined not exceeding twenty dollars for each day's continuance of the said violation after the service of the warrant issued upon the first complaint.

Penalty
for violat-
ing provi-
sions of act.

Disposition
of fines.

Fines recovered for the violation of any of the provisions of this act, shall be paid into the city treasury, to be credited to the fireman's relief fund.

Repeal.

25. All acts and parts of acts inconsistent herewith are hereby repealed.

Exem-
ptions from
act.

26. Buildings and structures belonging to the United States, or to this state, are exempted from the operations of this act.

§ 4. This act shall take effect immediately.

CHAP. 289.

AN ACT to confer further powers upon boards of supervisors in certain counties.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 29, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. In all counties of this state, excepting the counties of New York and Kings, it shall and may be lawful for the boards of supervisors to provide for the funding of so much of the debt of said county as may not be represented by bonds, and to that end and purpose may issue bonds on the faith and credit of the county; such bonds to run for a term not exceeding thirty years and bear such interest as the boards of supervisors may determine; not exceeding six per centum per annum. Said bonds shall be sold for not less than par, and the proceeds thereof shall be used for paying and extinguishing the indebtedness of the county not secured by bonds.

Funding of county debt.

Issue of bonds therefor.

§ 2. Whenever such bonds are issued, they shall be a charge upon the county, and the money necessary for the payment of the principal and interest thereof shall be levied and collected as is money necessary for the payment of other county charges.

Money to pay interest and principal.

§ 3. This act shall take effect immediately.

CHAP. 290.

AN ACT to amend chapter four hundred and eighty-seven of the laws of eighteen hundred and eighty-four, entitled "An act authorizing the construction of a draw-bridge over Newtown creek, in Queens county," as amended by chapter one hundred and eighty-four of the laws of eighteen hundred and eighty-seven.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 29, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter four hundred and eighty-seven of the laws of eighteen hundred and eighty-four, entitled "An act authorizing the construction of a draw-bridge over Newtown creek, in Queens county," as amended by chapter one hundred and eighty-four of the laws of eighteen hundred and eighty-seven, is hereby amended so as to read as follows:

§ 1. The boards of supervisors of the counties of Kings and Queens are hereby authorized and empowered to construct and build over and across Newtown creek, at Maspeth avenue, a bridge, which shall be at least thirty feet wide, with a good and sufficient railing thereon, with a draw thereon of at least fifty feet wide, at a cost not exceeding fifty thousand dollars, and to be completed within one year from the making of the contract for the construction of said bridge. The said sum of

Construction of bridge.

Cost limited.

How ap-
portioned.

fifty thousand dollars to be equally divided between the counties of Kings and Queens, and to be apportioned between the towns and cities of each county as the respective boards of supervisors may determine.

§ 2. This act shall take effect immediately.

CHAP. 291.

AN ACT to amend chapter five hundred and sixty-eight of the laws of eighteen hundred and eighty-eight, entitled "An act authorizing the board of estimate and apportionment of the city of New York to audit the claim of the representatives of the firm of S. P. Dismore and Company, for advertising in the Stockholder of notices and proceedings required by law to be advertised in said city, and providing for the payment of the same."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution. April 29, 1891. Passed, three-fifths being present

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter five hundred and sixty-eight of the laws of eighteen hundred and eighty-eight, entitled "An act authorizing the board of estimate and apportionment of the city of New York to audit the claim of the representatives of the firm of S. P. Dismore and Company for advertising in the Stockholder, of notices and proceedings required by law to be advertised in said city, and providing for the payment of the same," is hereby amended so as to read as follows:

Examina-
tion and
audit of
claim.

§ 1. The board of estimate and apportionment of the city and county of New York is hereby authorized to examine into the facts relating to the claim of the representatives of the firm of S. P. Dinsmore and Company, for advertising in the newspaper, the Stockholder, notices and proceedings required by law to be published in said city and county, and to audit and allow the said claim for advertising said notices and proceedings as have been reported by the special examination of the department of finance of said city, to have been inserted in the said Stockholder, at the usual and customary rates for advertising in said newspaper, so far as the same shall be found not to have been heretofore audited, allowed and paid. And the said comptroller is hereby authorized to pay to said representatives the amount of the claim as so audited and allowed, with interest.

Payment,
how made.

§ 2. Section two of said chapter is hereby amended so as to read as follows:

Audit, how
provided
for.

§ 2. The amount so audited and allowed shall be certified by the comptroller to the board of aldermen of the city and county of New York, and shall form part of the final estimate of said city and county for the year eighteen hundred and ninety-one.

Title of act
amended.

§ 3. The title of said act is hereby amended so as to read "An act authorizing the board of estimate and apportionment of the city of New York to audit the claim of the representatives of the firm of S. P. Dinsmore and Company, for advertising in the Stockholder of notices and proceedings required by law to be advertised in said city, and providing for the payment of the same."

§ 4. This act shall take effect immediately.

CHAP. 292.

AN ACT to amend chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 29, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Subdivision fourteen of section one of chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration and to regulate the compensation of supervisors," is hereby amended so as to read as follows :

14. To impose a tax on dogs within the several towns for the purpose of providing means thereby to pay damages done to sheep by dogs, and to make proper provisions for the enforcement of the payment of such tax ; and to make provisions for the disbursing and paying out of such taxes, when collected. If in any county the board of supervisors do not exercise the powers conferred by this section there shall be annually levied and collected in such county the following tax upon dogs over four months old : Upon every bitch owned or harbored by any one or more persons or by any family, three dollars ; upon every additional bitch owned or harbored by the same person or or persons or family, five dollars ; upon every dog, other than a bitch, owned or harbored by one or more persons, or by any family, fifty cents, and upon every additional dog, other than a bitch, owned or harbored by the same person or persons or family, two dollars.

Taxation
of dogs.

Rate,
when
supervis-
ors do not
exercise
powers.

§ 2. This act shall take effect immediately.

CHAP. 293.

AN ACT to amend chapter two hundred and thirty-three of the laws of eighteen hundred and sixty-two, entitled "An act to authorize the Watervliet Turnpike Company to construct and maintain a railroad on their present road, and to extend the same into and through the villages of West Troy and Cohoes and the town of Watervliet and the city of Albany to increase the capital stock and to alter their corporate name," passed April fifteenth, eighteen hundred and sixty-two, and to confer authority upon said corporation to permit the holders of certain of its bonds to vote at elections of its directors.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 29, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section fourteen of chapter two hundred and thirty-

three of the laws of eighteen hundred and sixty-two is hereby amended so as to read as follows:

Issue of
certificates
to holders
of certain
bonds.

§ 14. The Watervliet Turnpike and Railroad Company is hereby authorized to issue to the purchasers and holders of any bonds issued by said corporation, which are secured by a certain mortgage given by it to the Metropolitan Trust Company under date of June twentieth, eighteen hundred and ninety, and recorded in the office of the clerk of the county of Albany in the state of New York on the twenty-sixth day of June, eighteen hundred and ninety, in book number three hundred and seventy-nine of mortgages, on page eighty-one, et caetera* in order to facilitate the sale and negotiation of such bonds, certificates, by the terms of which each purchaser and holder of said last mentioned bonds shall be authorized to vote at every election of directors of said corporation, and at said election to cast one vote for every fifty dollars of indebtedness for principal money represented by such bonds, so held by said purchaser and holder thereof, and the holders of such bonds, when accompanied by such certificates, shall be and are hereby authorized, in person or by proxy, to so vote at any and all elections of directors of said corporation with the same effect as if they were holders of its stock to an amount which would entitle them to the same number of votes. Provided that to entitle any holder of any such bond or bonds to so vote he must have presented said bond or bonds to the treasurer of said company at least thirty days before such election, to be by said treasurer entered in the name of the holder of such bonds upon a record to be kept by said treasurer in the office of said company, on which shall be entered the names of the stockholders and of the above mentioned bondholders of said company, of which entry an indorsement shall be made upon each bond which shall be so entered, and no holder of said bonds, whose name shall not be so entered upon such record in the office of said corporation at least thirty days prior to the holding of such election, shall be entitled to vote at any such election.

Holders of
such bonds
author-
ized to
vote.

Bonds to
be re-
corded
and in-
dorsed
prior to
election.

§ 2. This act shall take effect immediately.

CHAP. 294.

AN ACT in relation to elevated railways in cities.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 29, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Abandon-
ment of
portion of
route.

SECTION 1. Any company operating an elevated railway or railways in any city of this state for the transportation of passengers, mails or freight, and which, prior to the passage of this act shall have built and operated six-tenths of its route as set forth and embodied in its articles of incorporation, may declare relinquished* and abandoned any portion of its said route, which it may deem no longer necessary for the successful operation of its road and the convenience of the public. Such declaration of abandonment to be valid, shall be adopted by the board of directors, under the seal of such company,

Declara-
tion.

* So in the original.

and shall be submitted to the stockholders thereof at a meeting called for the purpose of taking the same into consideration. Due notice of the time and place of holding said meeting, and stating the object thereof shall be given by the company to its stockholders by written or printed notices addressed to each of the persons in whose name the capital stock of the company stands on the books thereof, at the address of such persons as stated on the books, or as known to the secretary of the company, and delivered or mailed to such persons, or the legal representatives of such persons, respectively, at least thirty days before the time of holding the meeting of such company, and also by a general notice published daily for at least four weeks in some newspaper last designated for the publication of the session laws or of judicial proceedings and legal notices in the county where the route of such company is located; and at the said meeting of stockholders the declaration of the said directors shall be considered and a vote by ballot taken for the adoption or rejection of the same, each share entitling the holder thereof to one vote, and said ballots shall be cast in person or by proxy, and if two-thirds of all the votes of the stockholders cast in person or by proxy at said meeting shall be for the adoption of said declaration of abandonment, then that fact shall be certified thereon by the secretary of the company under the seal thereof, and the declaration so adopted shall be submitted for approval to the state board of railroad commissioners, and if approved by them, such approval shall be indorsed thereon, and the said declaration so certified and indorsed shall be filed and recorded in the office of the secretary of state, and from the time of such filing such portion of said route designated, in such declaration of such company shall be deemed to be abandoned. A copy of such declaration of abandonment, duly certified by the secretary of state, under his official seal, shall be presumptive evidence in all courts and places of the facts which it recites, and of the regularity of the proceedings resulting in such abandonment.

Notice of stockholders' meeting.

Consideration of declaration thereat.

Approval of railroad commissioners.

Filing and effect thereof.

Certified copy of declaration, evidence.

§ 2. This act shall take effect immediately

CHAP. 295.

AN ACT to provide for the appointment of two additional police justices for the city of Brooklyn.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 29, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The mayor, comptroller and auditor of the city of Brooklyn, or a majority of them shall between the first day of June, eighteen hundred and ninety-one and the first day of January, eighteen hundred and ninety-two, appoint two persons to be police justices of said city.

Appointment of police justices.

§ 2. Such police justices when appointed, as in this act prescribed, shall have the same powers, privileges and jurisdiction, and shall perform the same duties as the police justices of said city in office at the passage of this act, and they shall be subject to all laws at the passage of this act applicable to the police justices of said city; they shall each hold a court to be known as a police court, at such place in said

Powers, duties and liabilities.

city as the common council shall designate and determine; and they shall each receive a salary from said city at the rate of five thousand dollars per annum.

Term of office.

Vacancies.

Appointment of successors.

Their terms.

§ 3. The police justices to be appointed as prescribed in section one of this act shall hold office until the first day of May in the year eighteen hundred and ninety-six, or until their successors shall have been appointed and shall have duly qualified. Should the office of a police justice to be appointed pursuant to the provisions of this act become vacant during the continuance of the term for which he was appointed, the mayor, comptroller and auditor of the city of Brooklyn, or a majority of them, shall appoint a police justice to fill such vacancy, who shall hold office until the expiration of the term during which the vacancy occurs. On the second Tuesday in July next preceding the expiration of the first term of office of the police justices to be appointed pursuant to the provisions of this act, the mayor, comptroller and auditor of the city of Brooklyn, or a majority of them, shall appoint successors to such police justices, and successors to them shall be appointed thereafter by the officers of said city mentioned in this section at the time now provided by law for the appointment of the successors of the police justices of said city now in office, and the term of office of the persons so to be appointed is hereby fixed at four years.

§ 4. This act shall take effect immediately.

CHAP. 296.

AN ACT to amend chapter two hundred and sixty-two of the laws of eighteen hundred and ninety, entitled "An act to promote the independence of voters at public elections, enforce the secrecy of the ballot and provide for the printing and distribution of ballots at public expense."

APPROVED by the Governor April 29, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of chapter two hundred and sixty-two of the laws of eighteen hundred and ninety, entitled "An act to promote the independence of voters at public elections, enforce the secrecy of the ballot and provide for the printing and distribution of ballots at public expense," is hereby amended so as to read as follows:

Certificates of nominations, where filed.

§ 4. Certificates of nomination of candidates for offices to be filled by the voters of the entire state, or of any division or district greater than a county, shall be filed with the secretary of state, except as in this section otherwise provided. All other certificates of nomination shall be filed with the clerks of the respective counties wherein the officers are to be elected. But when candidates are nominated in any city for municipal offices, except in New York or Brooklyn, the certificate of nomination shall be filed with the city clerk, or if there be no city clerk, with the clerk of the common council of such city. The certificate of a nomination for a member of assembly in the counties of Fulton and Hamilton, shall be filed in the office of the county clerk of Fulton county, and a copy thereof certified by said county clerk of Fulton county shall be filed in the office of the county clerk of Hamilton county. The certificate of nomination for senator for the fifth

senatorial district shall be filed in the office of the clerk of the city and county of New York, and a copy thereof certified by said clerk shall be filed in the office of the county clerk of Richmond county.

§ 2. Section five of said chapter is hereby amended so as to read as follows:

§ 5. Candidates for public office may be nominated otherwise than by a convention, committee or primary meeting in the manner following: A certificate of nomination containing the name of a candidate for the office to be filled, with such information as is required to be given in certificates provided for by section three of this act, except that the said certificate shall designate in not more than five words, instead of the party, the political or other name which the signers shall select, shall be signed by voters residing within the district or political division in and for which the officer or officers are to be elected, to the number of at least three thousand, when the nomination is for an office to be filled by the voters of the entire state; of at least five hundred when the nomination is for an office to be filled by the voters of a district less than the state and greater than a county (except the assembly district composed of Fulton and Hamilton counties), or by the voters of a county or city; of at least two hundred and fifty when a nomination is for an office to be filled by the voters of an assembly or school commissioner district; of at least fifty when the nomination is for an office to be filled by all the voters of a ward, town or village; but when the nomination is for an office to be filled by the voters of the city and county of New York, or of the county of Kings, or of the city of Brooklyn, the number of signatures so required shall not be less than six hundred, and when the nomination is for an office to be filled wholly or in part by the voters of only a portion of said city and county of New York, or the said county of Kings or of the said city of Brooklyn, less than the whole, such number shall not be less than two hundred and fifty. The signatures to the certificate of nomination need not all be appended to one paper. The certificate may designate and appoint upon the face thereof one or more persons who for the purposes set forth in section seventeen of this act shall represent the signers of said certificate. Each voter signing a certificate shall add to his signature his place of residence, and shall, before an officer duly authorized to take acknowledgments, acknowledge his signature and make oath that he is a voter, and has truly stated his residence. The signers of a certificate made according to the provisions of this section shall not designate as the political or other name selected by them the name of any organized political party without using in connection therewith some other word or words to distinguish the name selected by them from such party name, nor shall they use any word or designation indicating that such name is that of any regular party or political organization. Such certificate, when executed and acknowledged as above prescribed, may be filed as provided for in section four of this act, in the same manner, and with the same effect as a certificate of nomination made by a party convention, committee or primary meeting.

Nominations other than by party organizations.

Certificates, how executed and acknowledged.

Filing thereof.

§ 3. Section ten of said chapter is hereby amended so as to read as follows:

§ 10. At least six days before an election to fill any public office, the county clerk of each county shall cause to be published in not less than two nor more than four newspapers within the county, a list of all nominations to office certified to him under the provisions of this act. Such publication shall contain the name and residence, and, if in a

Publication of lists of nominations.

Selection
of newspa-
pers.

Daily pub-
lications.

Constitu-
tional
amend-
ments,
etc., notice
of submis-
sion of.

Ballot-
boxes.

Ballots.

Canvass of
votes and
certificate
of result.

city, the street number of residence and of place of business, if any, and the party or other designation of each candidate. In case of municipal elections such publication of the names of candidates for municipal office shall be made in newspapers which are published within the municipality where the election is to be held. One of such publications shall be made in a newspaper which advocates the principles of the political party that at the last preceding election cast the largest number of votes in the state; and another of such publications shall be made in a newspaper which advocates the principles of the political party that at the last preceding election cast the next largest number of votes in the state. The county clerk, in selecting the respective papers for such publication, shall select those which, according to the best information he can obtain, have the largest circulation within such city or county. In making additional publications the county clerk shall keep in view the object of giving information so far as possible to the voters of all political parties; and in no event shall such additional publications be made in two newspapers representing the same political party. The county clerk shall make such publications twice in each newspaper so selected in counties where daily newspapers are published; but if there be no daily newspaper published within the county, one publication only shall be made in each of such newspapers. Should the county clerk find it impracticable to make the publication six days before election day, in counties where no daily newspaper is printed, he shall make the same at the earliest possible day thereafter.

§ 4. Section fifteen of said chapter is hereby amended so as to read as follows:

§ 15. Whenever it is provided by law that a constitutional amendment or other proposition shall be submitted to a popular vote, the secretary of state shall include in the notice of the general election, if such amendment or proposition is to be submitted at a general election a copy of such amendment or proposition with the forms of the ballots to be voted thereon, and if more than one such amendment or proposition is to be voted upon at such election, the amendments and the ballots shall be separately and consecutively numbered. If such amendment or proposition is to be submitted to a special election, he shall, at least twenty days before the election, give notice thereof in the same manner as of a general election, which notice shall contain in full the amendment or proposition to be submitted with the forms of the ballots to be voted at the election. Notice of every such special election shall be published in the same manner as a notice of general election is required to be published. The inspectors of election in each election district shall furnish as many ballot boxes as there are amendments or propositions to be separately voted on, labeled to correspond with each such amendment or proposition and which shall be used for the deposit of the ballots upon each such amendment or proposition respectively. The same number of each form of ballots prescribed by the secretary of state, as are required by this act to be printed and furnished at a general election of public officers, shall be printed and furnished by the officers in each county required to print ballots for candidates for state officers. The expense of printing and furnishing ballots shall be a charge upon the county or municipality whose officers are required to print and furnish the same respectively. The votes cast in favor of and against any such amendment or proposition shall be canvassed by the inspectors of election, and the result of the canvass given in the certificate made and returned by them of the votes cast at

such election. The board of county canvassers shall canvass the votes and returns made by the several boards of inspectors in the county and declare the result in the same manner as the result of the votes cast for an election of public officers in the county; and if it be a special election, such canvass shall be made at the same time with the canvass of the votes of the next succeeding general election, and the return of said canvass shall be included in the return of the canvass of such general election to the state board of canvassers, and shall be canvassed and the result declared by such state board in the same manner as votes for state officers.

§ 5. Section sixteen of said chapter is hereby amended so as to read as follows:

§ 16. Except as in this act otherwise provided, it shall be the duty of the county clerk of each county to provide printed ballots for every election of public officers in which voters or any of the voters within the county participate, and to cause to be printed in the appropriate ballot the name of every candidate whose nomination has been certified to or filed with the county clerk, in the manner provided for in this act. Sample ballots printed upon paper of a different color from the official ballots, but in the form of those to be used on election day, each containing the names of the candidates which are to be printed upon the appropriate official ballot, shall be printed and in possession of the county clerk or other officers or boards charged with the duty of preparing such ballots, seven days before the day of election, subject to public inspection. The official ballots shall be printed and in possession of the county clerk, or such other officers or boards, at least four days before election, and subject also to inspection by the candidates and their agents.

Duty of county clerk in providing and printing ballots.

Sample ballots.

Official ballots.

§ 6. Section seventeen of said chapter is hereby amended so as to read as follows:

§ 17. Each ballot shall have a perforated line running across the top so as to leave the space thereon above said line one inch in width; and upon the portion above the line, which shall be known as "the stub," nothing shall be printed, except the printed number on the back thereof hereinafter mentioned. Upon each ballot below the stub, shall be printed, in brier lower case type, the name of each office to be filled at the then ensuing election, and except upon the ballots not containing the names of candidates in brier capitals type the names of such candidates therefor, respectively (not more for any office than one elector is entitled to vote for), as may have been certified therefor in the certificates hereinbefore in section three provided made by the convention, committees or primary meetings representing the same party, or as may have been certified therefor in the certificates hereinbefore in section five provided, bearing the same political or other name. But no name or names of any candidate or candidates shall be placed upon a ticket, put in nomination by certificate, as provided for in section five, except the name or names specified in said certificate of nomination, without the written approval of the person or persons designated and appointed in said certificate as provided in that section, but such approval shall be made at least twelve days before election, and the name of a person nominated under the provisions of section three of this act shall not be placed upon a ticket put in nomination by certificate as provided by section five of this act, when such person shall have given notice at least fifteen days before election, to the officer with whom his original certificate of nomination was filed, by a writing signed and duly acknowledged that he does not

Style of printing and contents.

Names, when not to be placed on ticket.

Kinds of ballots.	wish his name placed upon such ticket. There shall be as many separate kinds of ballots as there are different political parties represented by certificates, as provided by section three of this act and as there are different political or other names represented by certificates as provided by section five of this act. There shall also be as many different kinds of ballots as may be required to comply with the directions hereinbefore authorized of the person or persons designated and appointed as provided in section five of this act upon certificates of nomination, but the person or persons so designated and appointed shall not require the name of any candidate nominated in such a certificate to be printed upon more than one kind of ballot. When nominations are made by convention, committee or primary meeting as prescribed by section three of this act, and candidates are not named for all places on the ballot, the places for which nominations are not made shall be left blank with the name of the office only printed on the ballot. All ballots provided for the same polling place shall be of uniform length. Each ballot shall be six inches wide, and of such length below the stub as to allow one-fourth of an inch in the length of the ballot for the name of each office, and the same space for the name of each candidate therefor for whom one elector may be entitled to vote. The names of offices and candidates shall be in a single column, except that the names of candidates for presidential electors shall be in two columns. The stubs of each kind of ballots for each election district shall be numbered consecutively by printed numbers on the backs thereof. On the back of each ballot shall be printed in type known as great primer Roman condensed capitals, the indorsement "official ballot for
Name of office only, when printed.	, " and after the word "for" shall follow the designation of the polling-place for which the ballot is prepared, the date of the election, and a fac simile of the signature of the county clerk. The ballot shall contain no caption or other indorsement, except as in this section provided. Each county clerk shall use precisely the same quality and tint of paper, kind of type, and quality and tint of plain black ink for all ballots provided by him to be used at one election. Whenever candidates
Size of ballots.	are to be voted for only by the voters of a particular district, town, village, city or county, the names of such candidates shall not be printed on any other ballots than those provided for use in such district, town, village, city or county respectively. The ballots shall be of such form and the indorsement thereon so printed that they may be folded crosswise by bringing the bottom of the ballot up to the perforated line and then in the middle lengthwise, in such a way that the stub of each ballot can be removed without unfolding the ballot or exposing any of its contents, and that when so folded, the whole of the indorsement shall be visible. There shall be but one ballot-box at each polling-place for receiving all ballots cast for candidates for office.
Stubs to be numbered.	§ 7. Section eighteen of said chapter is hereby amended so as to read as follows :
Indorsement.	§ 18. The county clerk of each county, or other public officers or boards charged by this act with the duty of printing and providing ballots, shall provide for each election district in the county one hundred ballots of each kind for every fifty, or fraction of fifty, voters registered at the last preceding election in the district. If there is no registry in the districts, such ballots shall be provided to the number of one hundred of each kind for every fifty, or fraction of fifty, voters who voted at the last election in the district. The clerk shall also provide twelve sample ballots of each kind for each election district of the same form and size as the official ballots, but printed upon paper
Quality and tint of paper, etc.	
Names of local candidates on ballots.	
Form for folding.	
Ballot box.	
Number of ballots to be furnished election districts.	

of a different color and without the numbers upon the stubs. When a district shall be divided or the boundaries changed, the county clerk or such other public officers or boards must ascertain, as nearly as possible, the number of voters in the new district or districts, and provide therefor a sufficient number of ballots in the above proportion. A record of the number of ballots furnished for each election district shall be kept in the office of the officer furnishing the same, and shall be preserved for one year from the date of the election. Record thereof.

§ 8. Section twenty of said chapter is hereby amended so as to read as follows :

§ 20. The county clerks of the various counties in the state, shall, prior to an election, cause to be delivered to each of the town clerks within their respective counties, the proper number of ballots and sample ballots provided for the use of the voters of said town at such election. The same shall be sent in sealed packages, one of each kind, for each election district of said town, with marks on the outside of each clearly stating the polling-place for which it is intended, together with the number of ballots inclosed. They shall be delivered to the town clerks on the Saturday before election day. Ballots to be used in cities shall be delivered at the time and in the manner above provided to the city clerks of the respective cities. Receipts for ballots thus delivered shall be given by the town, or city clerk who receives them, and filed with the county clerk who shall also keep a record of the time when, and the manner in which each of said packages was sent. The town and the cities clerks receiving such packages, shall, at the opening of the polls on election day, cause the same to be delivered, with the seals unbroken, to the inspectors of election of the various election districts as designated on the outside of the packages respectively, and shall take receipts therefor from said inspectors, which shall be placed on file in their respective offices. Delivery of ballots to town and city clerks.

Receipts

Duty of clerks on election day.

§ 9. Section twenty-two of said chapter is hereby amended so as to read as follows :

§ 22. The inspectors of election in each election district of the state (except in districts where all of them are appointed) shall after taking their oath of office, as prescribed by law, and at least ten days before the election, appoint, by a writing, to be filed with the town clerk, if the election district is in a town, or with the city clerk if the election district is in a city, two ballot clerks to serve during the election, who shall be duly qualified voters of such election district. The inspectors who are elected as such shall appoint one ballot clerk, and the inspector who was appointed as such shall appoint the other ballot clerk. In districts where inspectors are not elected, but are all appointed, two ballot clerks shall be appointed, and their appointment certified at the same time and in the same manner as now provided for in the case of inspectors. In all cases of the appointment of ballot clerks, one of them shall be taken in each election district from the political party that polled the largest number of votes on state issues at the last preceding election, and the other from the party that polled on state issues the next largest number. If a vacancy shall occur in the office of ballot clerk after such appointment, and before election, such vacancies shall be filled in the same manner as the original appointment. When any person shall be appointed ballot clerk, written notice of the fact shall at once be delivered or mailed to him, by the officer or officers making the appointment. If a ballot clerk shall be absent upon election morning, the vacancy shall be filled in the same manner as Ballot clerks, appointment of.

Vacancies, how filled.

Notice of appointment.
Vacancies at elections.

Oath of
office.

poll clerks are appointed. All ballot clerks appointed under the provisions of this section, shall, before entering upon the discharge of their duties, take the constitutional oath of office, which shall be administered to them by the chairman of the board of inspectors.

§ 10. Section twenty-three of said chapter is hereby amended so as to read as follows:

Voting
booths,
and sup-
plies for.

§ 23. All officers upon whom is imposed by law the duty of designating polling places, shall provide in each polling place designated by them a sufficient number of voting booths or compartments, which shall be furnished with such supplies and conveniences, including shelves, pens, penholders, ink, blotting paper, pencils and mucilage, as will enable the voter to prepare his ballot for voting, and in which voters may prepare their ballots screened from observation as to the

Guard-rail.

manner in which they do so; and a guard-rail shall be so constructed and placed that only such persons as are inside said rail can approach within six feet of the ballot boxes, and of such voting booths or com-

Arrange-
ment of
booths and
boxes.

partments. The arrangement shall be such that the voting booths or compartments can only be reached by passing within said guard-rail. They shall be in plain view of the election officers, and both they and the ballot boxes shall be in plain view of those just outside of the

Construc-
tion of
booths

guard-rail. Each of said booths or compartments shall have four sides inclosed, one side in front to open and shut as a door swinging outward. Each side of each booth or compartment shall be at least six feet high and the door shall extend to within two feet of the floor. Each booth or compartment shall be at least three feet square and shall contain a shelf which shall be at least one foot wide extending across

Admission
within
rail.

one side of the booth or compartment at a convenient height for writing. No persons other than the election officers and the watchers provided by law and those admitted for the purpose of voting as herein- after provided, shall be permitted within said rail, except by authority of the election officers to keep order and enforce the law, and except

Number of
booths.

in the contingency mentioned in the first sentence of section twenty-eight of this act. The number of such voting booths or compartments shall not be less than one for every fifty voters who voted at the last

Ballot-
box,
how fur-
nished.

preceding election in the district. The officers who are charged with the duty of providing voting booths or compartments shall also furnish for each polling place in their respective towns and cities, a ballot-box which shall be large enough to properly receive and hold the ballots to

Booths,
etc., in N.
Y. and
Brooklyn.

be cast for candidates for office in conformity with the provisions of this act. In the city and county of New York the board of police commissioners, and in the city of Brooklyn the board of elections shall provide such guard-rails, ballot-box and voting

Expense.

booths or compartments. The expense thereof shall in all cases be a public charge, to be provided for in the same manner as other election

Alteration
of election
districts.

expenses. On or before the first day of August in the year eighteen hundred and ninety-one, and in each year thereafter the officers now charged by law with the division or alteration of election districts shall alter or divide the existing election districts, whenever necessary, in such manner that each election district shall contain not more than four hundred voters. Not more than one polling place shall be in the same room.

One poll-
ing place
in room.

§ 11. Section twenty-four of said chapter is hereby amended so as to read as follows:

Duty of
ballot
clerks.

§ 24. It shall be the duty of the ballot clerks to deliver ballots to qualified voters and they shall at all times be under the supervision of the board of inspectors. The ballots shall be kept in plain view within the

polling place, and as near as possible to the place where the ballot-box is stationed. At the opening of the polls the inspectors shall open the packages containing the ballots, and place the ballots in charge of the ballot clerks. Each qualified voter before receiving his ballots from the ballot clerks shall announce his name to the election officers. His name shall be noted by the poll clerks, and each voters name shall be numbered consecutively by the poll clerks, with the number upon the stub of the ballots delivered to him, and in the order of the respective applications for ballots to the ballot clerks. The ballot clerks shall thereupon deliver to the voter, and the voter shall receive and take with him into the booth or compartment, one of each kind of ballots which shall have been furnished for use at such polling place. The ballot clerks shall not fold the ballots for the voter but they may instruct him how the ballot should be folded, and may illustrate the matter by folding the sample ballots in his presence. When any person shall make application for ballots his right to vote at that poll and election may be challenged, and such proceeding shall thereupon be had before the inspectors as the law now prescribes in case of challenge. If the person so applying is not entitled to vote, no ballot shall be delivered to him. Any person may also be challenged, as now provided by law, when he shall offer his ballot to the inspectors. A reasonable number of challengers, representing each political party, shall be permitted to remain just outside the guard-rail where they can plainly see what is done within the polling place, except within said booths or compartments. The said polling place shall be so arranged that every part thereof except the inside of said booths or compartments may be in full view of said challengers and watchers.

Applica-
tion for
ballots and
proceedings
there-
upon.

Not to
fold ballots
for voters.

Challen-
ges.

Challen-
gers.

Polling
place,
how
arranged.

§ 12. Section twenty-five of said chapter is hereby amended so as to read as follows:

§ 25. On receiving his ballots the voter shall forthwith, and without leaving the inclosed space, retire alone to one of the voting booths or compartments so provided; and shall prepare his ballots. The voter may write or paste upon his ballot the name of any person for whom he desires to vote for any office. Any voter may take with him into the voting booth or compartment a printed ballot of his own selection or preparation, to be known as a paster ballot, containing the names of all the offices to be filled and of the candidates therefor for whom he desires to vote, which paster ballot may be gummed on the back thereof, and the voter may paste the whole of such paster ballot on any of the official ballots below the stub and on the side opposite the official indorsement. Any name so written or pasted upon the ballot shall be deemed the choice of the voter, notwithstanding the name of another candidate for the same office may be upon the original ballot without being erased, covered or concealed by the writing or paster; unless there are two or more names of candidates for the same office printed upon the ballot and a less number of names of candidates for such office written or pasted thereon in which case each name so printed in the ballot shall be counted if it is not wholly or partly erased, covered or concealed. All pasters shall be of white paper and must be printed in type uniform with that required by this act to be used upon the ballots, and shall be printed in plain black ink. A paster shall be so attached to the ballot that when the ballot is folded no portion of such paster ballot shall be visible. In preparing his ballot any voter shall be at liberty to use or copy any unofficial sample ballot to assist him in preparing the official ballot. After preparing his ballot, and before leaving the voting booth or compart-

Prepara-
tion of
ballots by
voter.

Paster
ballots,
use of.

Names
written or
pasted on
ballots,
how count-
ed.

Pasters,
how print-
ed and
attached
to ballots.

Folding
of ballots.

ment, the voter shall fold all the ballots delivered to him crosswise by bringing the bottom of the ballot up to the perforated line and then in the middle lengthwise, but in such a way that the contents of the ballots shall be concealed and the stubs can be removed without exposing any of the contents of the ballots, and shall keep the same so folded until he has delivered the same to the election officers as in this section provided. He shall then vote in the manner provided by law forthwith and before leaving the inclosed space ; but before his vote shall be received the voter's name and the number upon the stubs of his ballots shall be called out and the number upon such stubs shall correspond with the number noted against his name by the poll-clerks, as hereinbefore provided. The inspectors of election shall remove the stub from each ballot voted in plain view of the voter and without unfolding or disclosing the contents of the ballot, before the same is deposited in the ballot-box. The voter shall thereupon, and after the ballot voted by him has been deposited in the ballot-box, deliver to the inspectors the ballots not voted by him but folded in precisely the same manner as the ballots voted, and the inspectors shall remove from each such ballot its stub, and the unvoted ballots shall be deposited in a box which shall be prepared for that purpose, and which shall be kept locked until after the canvass of the votes, but which shall be provided with an aperture for depositing the ballots therein. and after the votes cast are all canvassed all ballots which were so deposited in such box shall be burned by the inspectors of election without any examination of their contents. Stubs which are detached either from voted or unvoted ballots shall be preserved to be disposed of as provided for in section twenty-seven of this act. The inspectors shall not receive a ballot from a voter unless each ballot delivered to said voter shall, when presented to them, be folded so that the inside thereof is entirely concealed and the indorsement and number thereon are plainly visible, and so that the stub can be removed without exposing the contents. When an unofficial ballot is used in the cases provided for by the last two sentences in section twenty-one of this act, the person using it shall, before voting the same, retire to one of the voting booths or compartments where he shall prepare such ballots for voting.

§ 13. Section twenty-six of said chapter is hereby amended so as to read as follows :

§ 26. Not more than one person shall be permitted to occupy the same voting booth or compartment at one time, except as provided for in section twenty-eight of this act, and no person shall remain in or occupy any such booth or compartment longer than ten minutes, when all the other booths or compartments are occupied. No person who has once voted, other than an election officer or watcher, shall be permitted to re-enter said inclosed space during the election, except to aid another in preparing his ballot as hereinafter provided, and no voter, not such officer or watcher, shall be permitted to remain in said inclosed space longer than is necessary for him to procure, prepare and deposit his ballot, as hereinbefore provided. It shall be the duty of the board of inspectors to see that the provisions of this section are properly observed.

§ 14. Section twenty-seven of said chapter is hereby amended so as to read as follows :

§ 27. If any voter spoils a ballot he may obtain another full set and so on successively, not exceeding four full sets in all, upon returning to the ballot clerks the set of ballots containing the spoiled ballots.

Manner of voting and receiving votes.

Unvoted ballots, delivery and disposal thereof.

Detached stubs.

Ballots not to be received unless properly folded.

Preparation of unofficial ballot.

Occupancy of booth by voter.

Inclosed space, voter not to re-enter, etc.

Duty of inspectors.

Spoiled ballots, replacing of.

In obtaining a set of ballots to replace a spoiled set, the name of the voter shall be given and the number upon the new set delivered to him shall be announced and entered opposite his name on the poll-lists. The ballots thus returned shall be canceled, and together with those not distributed to voters, shall be preserved; and with the stubs of the ballots delivered to voters by the ballot clerks, shall be secured in a package sealed and sent to the county clerk or other public officers or board by whom such ballots were prepared, on the day after election. The ballot clerks shall immediately after the closing of the polls, prepare and deliver to the chairman of the board of inspectors, a statement in writing, showing the number of ballots of each kind voted, the number of ballots of each kind delivered to voters, the number of spoiled ballots of each kind, and the number of ballots of each kind not delivered to voters, and the number of detached stubs returned, identifying and specifying the same. The said statement, together with the sealed package herein mentioned, shall be taken to the office of the county clerk, or other public officer or board, by whom the ballots were prepared on the day after election, by the election officer who is authorized to file the official canvass, and shall be filed in such office. After the result of the election shall be officially announced by the officers charged with making the official canvass, the contents of said sealed package shall be burned. Any ballot clerk who shall fail to thus account, fully and particularly for all official ballots placed in his charge, shall be deemed guilty of a misdemeanor.

Preservation and return of unvoted ballots and stubs.

Statement accounting for ballots.

Statement and package to be filed.

Contents of package burned. Failure to account.

§ 15. Section twenty-nine of said chapter is hereby amended so as to read as follows:

§ 29. No inspector of election shall deposit in a ballot-box, or permit any other person to deposit in a ballot-box, on election day, any ballot which is not properly indorsed and numbered, except in the cases provided for in section twenty-one of this act; nor shall any inspector of election deposit in a ballot-box, or permit any other person to deposit therein on election day, any ballot that is torn or has any other distinguishing mark on the outside thereof.

Deposit of certain ballots in box prohibited.

§ 16. Section thirty-one of said chapter is hereby amended so as to read as follows:

§ 31. The votes for the several candidates shall be canvassed in the order in which they appear upon the several ballots. No ballot that has not the printed official indorsement shall be counted except such as are voted in accordance with the provisions of section twenty-one of this act. All ballots that are defective in whole or in part shall be marked "defective," and shall be preserved and filed as provided for in section twenty-seven of this act. When an inspector of election or other election officer or duly authorized watcher, shall, during a canvass of the votes, or immediately after the completion thereof declare his belief that any particular ballot or paster affixed thereto has been written upon or marked in any way with the intent that the same may be identified, the inspectors shall write their names on the back thereof and attach it to the original certificate of canvass, and include in said certificate a statement of the specific grounds upon which the validity of such ballot is questioned. When the votes are to be estimated and the result declared by a board of county canvassers or other officers performing similar duties, such board or officers shall mention separately in the statement or certificate of canvass the number of votes thus questioned which were cast for each candidate and the specific grounds upon which the same are claimed to be invalid as set forth in the original certificate of canvass. Such ballots shall be counted in

Canvass of votes.

Marked ballots or pasters, proceedings as to.

Duty of boards of canvassers.

estimating the result of an election; but within thirty days after the filing of the certificate declaring such result a writ of mandamus may issue out of the supreme court against the board of canvassers or officers acting as such board, by whom the ballots were counted upon the application of any candidate voted for at the election to require a recount of the votes, and all questions relating to the validity of such ballots, and as to whether they were properly counted shall be determined in such proceeding. All such ballots shall be preserved for at least one year, and until the questions raised by such writ shall be finally determined. Election boards and boards of canvassers shall be continued in existence for the purposes of such proceedings.

Writ of mandamus to require re-count.

Ballots to be preserved.
Boards continued.

§ 17. Section thirty-four of said chapter is hereby amended so as to read as follows:

Penalty for neglect of duty by public officers.

§ 34. Every public officer upon whom any duty is imposed by this act who violates his said duty, or who neglects or omits to perform the same, shall be deemed guilty of a misdemeanor; and upon conviction thereof shall be punished by imprisonment in the county jail or penitentiary for a term of not less than six months and not more than three years, or by a fine of not less than two hundred and fifty dollars, and not more than three thousand dollars, or by both such fine and imprisonment.

For destroying or suppressing ballots.

Any person having charge of official ballots who shall destroy, conceal or suppress them, except as in this act permitted, shall be guilty of a felony, and upon conviction thereof shall be punished by imprisonment in state prison not less than one year nor more than five years. Any person who has undertaken to deliver official ballots to any city, town or village clerk or inspector, and neglects or refuses to do so, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for not less than six months nor more than one year.

For neglect to deliver ballots.

For revealing names voted by voter, etc.

Any election officer or watcher who shall reveal to another person the name of any candidate for whom a voter has voted, or who shall communicate to another his opinion, belief or impression as to how or for whom a voter has voted or who shall place a mark upon a ballot or do any other act by which one ballot can be distinguished from another shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for not less than six months nor more than one year.

Marking ballot.

§ 18. Section thirty-five of said chapter is hereby amended so as to read as follows:

Electioneering.

§ 35. No person shall do any electioneering on election day within any polling place, or in any public street or room, or in a public manner, within one hundred and fifty feet of any polling place. No person shall remove any official ballot from any polling place before the closing of polls. No person shall show his ballot, after it is prepared for voting, to any person in such a way as to reveal the contents, nor shall any person solicit the voter to show the same; nor shall any person (except an inspector of election) receive from any voter a ballot prepared for voting. No voter shall receive an official ballot from any other person than one of the ballot clerks having charge of the ballots,

Removing and showing of ballot.

Receiving and delivering ballots.

Marking ballots and pasters.

nor shall any person other than such ballot clerks deliver an official ballot to such voter. No voter shall place any mark upon his ballot, or do any other act in connection with a ballot with the intent that it may be identified as the one voted by him; no person shall place any mark upon, or do any other act in connection with a paster ballot with the intent that it may afterwards be identified as having been voted by any particular person. When a ballot has been deposited in a ballot

Ballots, when void.

box, upon which or upon a paster affixed thereto a writing or mark of any kind has been placed by the voter, or by any other person to his knowledge, with the intent that such ballot shall afterwards be identified as the one voted by him, the same shall be void and of no effect. Every voter who does not vote or deliver, in the manner hereinbefore and in section twenty-five of this act provided, the ballots received by him from the ballot clerks, shall, before leaving the polling place or going outside the guard-rail, return each such ballot to the ballot clerks. Whoever shall violate any provision of this section shall be deemed guilty of a misdemeanor. But nothing herein contained shall prevent any person from receiving or delivering an unofficial sample ballot, or from receiving, delivering and voting an unofficial ballot in the contingencies provided against by section twenty-one of this act.

Return of, unvoted ballots.

Misdemeanor.

Provido as to unofficial ballots.

§ 19. Section thirty-eight of said chapter is hereby amended so as to read as follows:

§ 38. The provisions of this act shall apply to town and village elections, except in the following particulars: When the word "clerk" is used in this act it shall be construed as referring to the town clerk when the subject matter applies to town elections, and to the village clerk when it applies to village elections. Nominations for town and village offices shall be made and certified substantially as hereinbefore provided, but the certificates thereof shall be filed with the clerk not less than five days before the day of election. Nominations made in accordance with the provisions of section three of this act may be made by conventions, committees or primary meetings representing a political party, which at the last preceding fall election polled at least one per centum of the total vote polled in said town or village. When nominations are made for town and village offices in the manner set forth in section five of this act, the number of signatures to the certificate of nomination need not exceed fifty. Nominations for town and village offices need not be published in newspapers, but the clerks shall cause printed lists to be posted as prescribed in section eleven of this act, on the day before the election is to be held. When a person desires to decline a nomination, he shall forthwith notify the clerk, in writing, that he declines such nomination, and his name shall not be printed on the ballot. Whenever it shall be necessary to fill a vacancy in any such nomination, the same shall be filled at least three days before election, in the manner prescribed by this act. The clerk shall provide all ballots, sample ballots and cards of instruction to be used at the election, and the cost thereof shall be a charge upon the town or village in and for which the election is to be held, to be provided for in the same manner as other town or village expenses. The ballots shall be substantially in the form prescribed by section seventeen of this act, but it shall not be necessary to print an indorsement upon them, except as hereinafter provided. When the names of more than ten candidates for the office of inspector of election are to be printed upon a ballot, such names may be printed in two columns. Sample ballots shall be printed as prescribed by section sixteen of this act, and in possession of the clerk subject to public inspection at least three days before election day, and the official ballots shall be printed and in possession of the clerk, also subject to public inspection at least one day before election day. The names of candidates for the office of excise commissioner shall be printed in a different ballot from the one containing the names of candidates for other town offices. Such ballots shall be indorsed "Excise," and shall be deposited, when voted, in a separate ballot box, which shall also be marked

Town and village elections, act applicable to.

Nominations.

Declinations.

Vacancies.

Ballots, etc., how furnished and printed.

Excise ballots.

Town
ballots.

Booths.

Holding
of elec-
tions by
districts.

Duties of
ballot
clerk, how
performed.

Inspectors
of election.

Municipal
elections,
duties de-
volved
upon city
clerks in.

Clerks of
councils,
when to
perform
duties.

"Excise." They shall be furnished by the clerk as the other ballots are, and shall be substantially in the same form, but not less than six inches long. The ballots containing the names of candidates for other local offices shall be indorsed "Town." The number of ballots, sample ballots and cards of instruction to be printed and distributed under this section shall be the same as provided for in sections eighteen, twenty-three and thirty of this act; and the clerk shall deliver them, or cause them to be delivered, in sealed packages, to the boards of inspectors at the opening of the polls on election day, and shall perform such other duties devolved by this act upon county clerks as may be applicable to town and village elections. The number of booths to be provided shall be one for every fifty votes polled at the last preceding village or town election. Nothing in this act contained shall require town meetings or village elections to be held by election districts; but the provisions of existing laws which prescribe whether such town meetings and village elections shall be held at one polling-place or by districts, and who shall preside at the same are expressly continued in force as heretofore. Ballot clerks shall not serve at town meetings or village elections, but all the duties hereinbefore devolved upon ballot clerks, including the preparation and filing of the statements required by section twenty-seven of this act, shall at such elections be performed by the town or village boards or other officers acting as inspectors of election. The inspectors of election or officers acting as such inspectors shall immediately after the opening of the polls appoint one or more of their number to take charge of the ballots and deliver the same to qualified voters. The statement required by section twenty-seven of this act shall be made by the inspectors and filed with the town or village clerk.

§ 20. Section forty-one of said chapter is hereby amended so as to read as follows :

§ 41. When a municipal election is to be held in any city, except New York and Brooklyn, the city clerk shall perform all the duties relating thereto, devolving upon county clerks by the foregoing provisions of this act, with reference to advertising and posting lists of candidates and printing and distributing ballots, sample ballots and cards of instruction. The ballots, sample ballots and cards of instruction to be used at such elections shall be delivered by the city clerk to the inspectors of election of the various districts in the city, at the time and in the manner prescribed by section twenty of this act. Receipts shall be taken therefor and filed in the office of said clerk. The statements required by section twenty-seven of this act shall also, when they have reference to such election, be filed with the city clerk. When any duty is devolved upon city clerks by the provisions of this act, the same shall be performed in cities where there is no such office by clerks of the common council, except as hereinbefore otherwise provided.

§ 21. This act shall take effect immediately.

CHAP. 297.

AN ACT to authorize the town of Shandaken, Ulster county, to purchase and pay for an iron bridge across the Esopus creek at Phoenicia in said town, already erected by the Pittsburgh Iron Bridge Company pursuant to a contract made by and with Pratt Shurter as commissioner of highways.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 30, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The supervisor of the town of Shandaken, Ulster county, is hereby authorized to pay to the Pittsburgh Iron Bridge Company out of any monies belonging to said town, not otherwise appropriated, the sum of six thousand dollars, in full payment of the iron bridge across the Esopus creek at Phoenicia, in said town, erected by said company pursuant to a contract made by and with Pratt Shurter, commissioner of highways, provided the said Pittsburgh Iron Bridge Company accepts such sum in full payment for such bridge and releases the said town of Shandaken of and from all claims and demands growing out of the purchase or erection of said bridge.

Payment to bridge company, authorized.

§ 2. In case the said town of Shandaken at the time of the passage of this act shall not have sufficient monies available to pay the said sum of six thousand dollars, then it shall be lawful for the supervisor to borrow the said sum or so much thereof as may be necessary on such bonds or other obligations as the town board of said town may authorize and direct.

Money may be borrowed for.

§ 3. This act shall take effect immediately.

CHAP. 298.

AN ACT to amend chapter two hundred and one of the laws of eighteen hundred and ninety, entitled "An act to authorize the superintendent of public works to deepen and enlarge the sewer in the village of Medina, known as the West street sewer, under the Erie canal in the village of Medina, and to enlarge and extend the same from the north side of said canal to the Oak Orchard creek and making an appropriation therefor," and making a reappropriation and an additional appropriation.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 30, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter two hundred and one of the laws of eighteen hundred and ninety, entitled "An act to authorize the superintendent of public works to deepen and enlarge the sewer in the village of Medina known as the West street sewer, under the Erie canal in the village of Medina, and to enlarge and extend the same

from the north side of said canal to the Oak Orchard creek and making an appropriation therefor," is amended to read as follows:

Enlarge-
ment, etc.,
of sewer
upon re-
lease of
rights.

§ 1. On condition that the trustees of the village of Medina release to the state of New York the right to flow water from the Erie canal into West street sewer in said village when it may be desired by the superintendent of public works, and into and through the sewer connecting therewith herein authorized to be constructed, and on the further condition that the said village of Medina shall procure releases to the state of New York of a right of way and the right to construct a sewer through the same, through West and Rock streets and from Rock street in said village to such point on the race adjoining the Oak Orchard creek as the superintendent of public works shall designate, all of said releases to be approved by the attorney-general of the state of New York, the superintendent of public works is authorized and empowered to deepen and enlarge the sewer under the Erie canal and also on the north side of said canal in the village of Medina, known as the West street sewer and to construct a new sewer connecting with said West street sewer, extending through a portion of Rock street in said village and on such course as the state engineer and surveyor shall direct, and on plans as the superintendent of public works shall order, extending from Rock street through lands to be released as above provided, to such a point on the race adjoining Oak Orchard creek as the said superintendent shall designate, said sewer to be of sufficient size and capacity and upon a plan sufficient to take, remove and at all times carry under said canal and to said race the sewerage and water which may flow into it from sewers which shall be connected therewith. The said work shall be let by contract to the lowest responsible bidder or bidders after due advertisement of the work proposed to be done soliciting bids therefor.

Plans.

Contract.

§ 2. Section two of said act is hereby amended so as to read as follows:

Appropriation.

§ 2. The sum of five thousand dollars, in addition to the sum of five thousand dollars appropriated by chapter two hundred and one of the laws of eighteen hundred and ninety, is hereby appropriated for the purposes mentioned in section one of this act, to be paid out of any money in the treasury not otherwise appropriated, and the treasurer is hereby directed to pay the said sums, or so much thereof as may be necessary, on the warrant of the comptroller to the order of the superintendent of public works, for the purposes of this act.

§ 3. This act shall take effect immediately.

CHAP. 299.

AN ACT to establish and settle the pier line along the East river in the eastern district of the city of Brooklyn, in the port of New York

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 30, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Pier line
estab-
lished.

SECTION 1. The pier line from a point one hundred feet south of First street, Brooklyn, eastern district, north and east to a point in a

line twelve feet south of and parallel to the south side of North Thirteenth street and nine hundred and eight feet west of the west side of Kent avenue, is hereby established and settled in accordance with the red line designated upon the map now in the office of the United States engineer at New York city, and entitled "map of easterly shore of East river, New York, from Bushwick creek to Grand street ferry, Brooklyn, eastern district, showing change in the pier-head line from North First street, north and east to the south abutment of bridge across Bushwick creek at Kent avenue, which is recommended to the secretary of war for adoption by the New York harbor line board appointed for the establishment of the harbor lines of New York harbor and its adjacent waters by special order number forty-nine, headquarters, corps of engineers, United States America, Washington, District Columbia, October five eighteen hundred and eighty-eight, in accordance with section twelve, act of August eleven, eighteen hundred and eighty-eight. War department, June eighteen, eighteen hundred and ninety, approved Redfield Proctor, secretary of war."

§ 2. This line is described as follows: Beginning at a point in a line one hundred feet south of, and parallel to, the south side of North First street, and six hundred and fifty-six feet west of the west side of Kent avenue; thence northerly in a straight line which line intersects the south side of North First street produced, six hundred and seventy-seven feet west of the west side of Kent avenue; the north side of North First street produced, six hundred and eighty-eight feet west of the west side of Kent avenue; the south side of North Second street produced, seven hundred and thirty-six feet west of the west side of Kent avenue; the north side of North Second street produced, seven hundred and forty-seven feet west of the west side of Kent avenue; the south side of North Third street produced, seven hundred and ninety-six feet west of the west side of Kent avenue; the north side of North Third street produced, eight hundred and seven feet west of the west side of Kent avenue; the south side of North Fourth street produced, eight hundred and fifty-four feet west of the west side of Kent avenue; the north side of North Fourth street produced, eight hundred and sixty-seven feet west of the west side of Kent avenue; the south side of North Fifth street produced, nine hundred and ten feet west of the west side of Kent avenue; the north side of North Fifth street produced, nine hundred and twenty-three feet west of the west side of Kent avenue; the south side of North Sixth street produced, nine hundred and sixty-six feet west of the west side of Kent avenue; the north side of North Sixth street produced, nine hundred and seventy-nine feet west of the west side of Kent avenue; the south side of North Seventh street produced, one thousand and twenty-two feet west of the west side of Kent avenue; the north side of North Seventh street produced, one thousand and thirty-five feet west of the west side of Kent avenue; the south side of North Eight * street produced, one thousand and seventy-eight feet west of the west side of Kent avenue; the north side of North Eight * street produced, one thousand and ninety-one feet west of the west side of Kent avenue; the south side of North Ninth street produced, one thousand one hundred and thirty-three feet west of the west side of Kent avenue; the north side of North Ninth street produced, one thousand one hundred and forty-six feet west of the west side of Kent avenue; the south side of North Tenth street produced, one thousand one hundred and eighty-

Descrip-
tion of
line.

*So in the original.

nine feet west of the west side of Kent avenue; the north side of North Tenth street produced, one thousand two hundred and two feet west of the west side of Kent avenue; the south side of North Eleventh street produced, one thousand two hundred and forty-five feet west of the west side of Kent avenue; the north side of North Eleventh street produced, one thousand two hundred and fifty-eight feet west of the west side of Kent avenue; to a point in a line fifty-eight feet north of and parallel to the north side of North Eleventh street produced, westerly, and one thousand two hundred and seventy feet west of the west side of Kent avenue; thence easterly in a curve with a radius of three hundred and twenty-five feet intersecting the south side of North Twelfth street produced, one thousand two hundred and forty-four feet west of the west side of Kent avenue; and the north side of North Twelfth street produced, one thousand two hundred and ten feet west of the west side of Kent avenue, to a point in a line forty-eight feet north of and parallel to the north side of North Twelfth street produced and one thousand one hundred and sixty-nine feet west of the west side of Kent avenue; thence easterly in a straight line to a point in a line twelve feet south of and parallel to the south side of North Thirteenth street and nine hundred and eight feet west of the west side of Kent avenue.

Streets extended to line.

§ 3. Nothing contained in this act shall be construed to close, discontinue or change any street now lawfully opened or located as extending to the line of the East river, but such streets shall be deemed to be extended to the pier line established by this act.

Repeal.

§ 4. All acts and parts of acts, so far as they are inconsistent with the provisions of this act, are hereby repealed,

§ 5. This act shall take effect immediately.

CHAP. 300.

AN ACT to appropriate the sum of seven thousand dollars for the raising and completion of the "slope wall" on the south side of the late abandoned Chemung canal, in the city of Corning.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 30, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. The sum of seven thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purpose of raising and completing the slope wall on the south side of the feeder of the late abandoned Chemung canal in the city of Corning, Steuben county.

How payable.

§ 2. The money hereby appropriated for the purpose aforesaid shall be payable by the state treasurer, on the warrant of the comptroller, out of any moneys not otherwise appropriated, to the superintendent of public works, to be by him expended for the purposes defined in section one of this act, and the work herein provided for shall be done by contract, after due advertisement therefor, and no money hereby appropriated shall be expended except on such contract, except for expenses of inspection and necessary engineering.

Contract for work.

§ 3. This act shall take effect immediately.

CHAP. 301.

AN ACT making an appropriation for an addition to, changes in, and repairs upon the buildings of the state normal school at Cortland.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 30, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of fifty-five thousand eight hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, to the state normal training school at Cortland, to be expended by the local board of managers of said school in making an addition to the present school buildings, for gymnasium, offices, recitation rooms, normal study hall, library, and drawing room, society rooms and cloak and toilet rooms. But no part of the same shall be expended, except for plans and specifications, until plans and specifications and a contract with proper sureties for the completion of the same within the sum hereby appropriated shall have been approved by the said local board of managers, by the superintendent of public instruction and by the comptroller.

Appropriation for addition to building.

Conditions of expenditure.

§ 2. The further sum of sixteen thousand dollars or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, to be expended by the said local board of managers for repairs on present building and additions thereto. To consist of the introduction of new windows for the proper lighting of the different recitation and teachers' rooms, society rooms and laboratory, for the changing of present library on the first floor and large recitation room on the second floor into study halls for primary and intermediate apartments, on the first and second floors and science lecture room on the third floor; for the addition of toilet and cloak rooms for boys and girls and the rearrangement of present partitions to provide for recitation rooms and for repairing the walls, floors and roofs of said present building; the work to be done and the material therefor to be purchased upon contract made as provided in section one of this act.

Appropriation for repairs, etc.

Contract for work, etc.

§ 3. This act shall take effect immediately.

CHAP. 302.*

AN ACT making appropriations for certain expenses of government and supplying deficiencies in former appropriations.

APPROVED by the Governor April 30, 1891. Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Payments
by treas-
urer.

Comptrol-
ler to audit
certain
claims.

Verified
statements
to be pre-
sented.

Certified
bills to be
furnished.

SECTION 1. The treasurer shall pay, on the warrant of the comptroller, from the several funds specified, to the persons and for the objects indicated in this act, the amounts named or such parts of those amounts as shall be sufficient to accomplish, in full, the purposes designated by the appropriations; but no warrants shall be issued, except in case of salaries, until the amounts claimed shall have been audited and allowed by the comptroller, who is hereby authorized to determine the same. The persons demanding payment shall present to him a detailed statement in items, verified by affidavit; and if the account shall be for services, it must show when, where and under what authority they were rendered; if for expenditures, when where and under what authority they were made; if for articles furnished, when and where they were furnished, to whom they were delivered and under what authority; and if the demand be for traveling expenses, the account must also specify the distance traveled, the places of starting and destination, the duty or business, and the date and items of expenditure. On all accounts for transportation, furniture, blank and other books furnished for use of offices, binding, blanks, printing, stationery and postage, a bill duly certified must be furnished; but whenever an appropriation shall have been provided otherwise, the sum herein directed to be paid shall not be considered as an addition to such other appropriation unless it shall be expressly so declared in this act.

GENERAL FUND.

Chaplains
of assem-
bly.

For the clergymen officiating as chaplain of the assembly during the session of eighteen hundred and ninety-one, for compensation, to be paid to the clerk of the assembly, for distribution by him, to those clergymen, at the rate of five dollars a day for every day of attendance, five hundred dollars.

Chaplains
of senate.

For the clergymen officiating as chaplain of the senate during the session of eighteen hundred and ninety-one, for compensation, to be paid to the clerk of the senate, for distribution by him to those clergymen, at the rate of five dollars a day for every day of attendance, five hundred dollars.

Alien pau-
pers, re-
moval of.

For the removal of crippled, blind, lunatic, idiotic and other infirm alien paupers, pursuant to chapter five hundred and forty-nine of the laws of eighteen hundred and eighty, the sum of five thousand dollars, or so much thereof as may be necessary.

DEPARTMENTS.

Niagara
reservation
bonds.

For the comptroller, for the redemption of Niagara reservation bonds, due July first, eighteen hundred and ninety-one, and for in-

* Items of appropriation contained in this act, as passed by the legislature, and objected to by the governor, with the statement of his objections thereto, are not included in this publication, which contains only so much of the act as actually became a law, under section one of article four of the constitution.

terest on all such bonds until January first, eighteen hundred and ninety-two, the sum of one hundred and eleven thousand two hundred and fifty dollars.

For fees of surrogates, in furnishing to the secretary of state certified copies of letters of administration, and copies of wills probated in other states, and subsequently filed in this state as provided by section twenty-five hundred and three of the Code of Civil Procedure, two hundred dollars, or so much thereof as may be necessary. Surrogate's fees.

For the comptroller, to pay the expenses of serving notices on occupants or despoilers of lands now owned by the state or bid in therefor at the comptroller's tax sales; of protecting the state's title to such lands by discharging them from the taxes due thereon, or bidding them in at, or redeeming them from county treasurers' tax sales; of preparing and recording deeds and certificates protecting the state's title to such lands; of definitely locating, appraising and examining them as may be required; of protecting them from trespassers or despoilers, and prosecuting all such offenders, and generally of guarding, preserving the value of, and protecting such lands, seven thousand dollars, or so much thereof as may be necessary. State lands.

Protection from trespassers.

For the comptroller, to pay assessments for local improvements on property owned by the state, five thousand dollars, or so much thereof as may be necessary; and all fees, interest and expenses of sale or collection incurred by local authority, officers or agents in making an assessment, levy or collection of sale upon, or of state property or property held in trust for the state, for street or other municipal improvements in any municipal corporation of the state, shall not be allowed and shall be rejected by the comptroller. Assessments on state property.

For the comptroller, for the repayment of moneys paid into the treasury by public administrators under the provisions of section twenty-seven hundred and forty-seven of the Code of Civil Procedure, three thousand dollars, or so much thereof as may be necessary. Public administrators, repayment of moneys paid by.

For the comptroller, for the payment of compensation and expenses of counsel employed by the comptroller or the attorney-general in legal actions or proceedings, five thousand dollars, or so much thereof as may be necessary. Counsel, expenses of.

For the payment to the widow and heirs-at-law of the late John G. Wasson, of the interest at six per centum per annum to April first, eighteen hundred and ninety-two, upon a certificate filed under chapter eight hundred and thirty of the laws of eighteen hundred and sixty-eight, the sum of six hundred dollars. Widow and heirs of J. G. Wasson.

For deficiency in appropriations for stationery for the public offices, two thousand five hundred dollars, or so much thereof as may be necessary. Stationery for public officers.

For deficiency in appropriations for postage on official letters, documents and other matter sent by mail for the public offices, two thousand five hundred dollars, or so much thereof as may be necessary. Postage.

For the comptroller, for the payment of judgments against the people for costs in certain actions, pursuant to section thirty-two hundred and forty-one of the Code of Civil Procedure, two thousand dollars, or so much thereof as may be necessary. Judgments for costs.

For the comptroller, for compensation and expenses of the clerk or clerks designated by him to make examinations and investigations for purposes of taxation, under chapter four hundred and nine of the laws of eighteen hundred and eighty-two, chapter five hundred and forty-two of the laws of eighteen hundred and eighty, chapter four hundred and eighty-three of the laws of eighteen hundred and eighty-five, and all Comptroller's office, for corporation tax clerks.

acts amendatory thereof, five thousand dollars, or so much thereof as may be necessary.

George F. Danforth.

For George F. Danforth, late associate judge of the court of appeals, whose term of office was abridged, pursuant to section thirteen, article six of the constitution, in full for compensation to the close of the present calendar year, twelve thousand dollars.

Justices, compensation for certain.

For compensation of the justices of the supreme court whose terms of office have been abridged, pursuant to section thirteen, article six of the constitution, and who have served as such ten years, seven thousand two hundred dollars.

Court reports.

For deficiency in appropriations for supplying other states with the reports of the court of appeals and the supreme court, two hundred and fifty dollars, or so much thereof as may be necessary.

Attorney-general, counsel fees.

For the attorney-general, the sum of ten thousand dollars, or so much thereof as may be necessary, to pay counsel employed by him in the prosecution of the two cases of the People against Myers, as comptroller of the city of New York, as well as the case of the People against the New York Milk Exchange, limited, and in other cases where counsel have been employed by him as provided by law.

State boundary monuments.

State engineer, for expenses.

For the state engineer and surveyor, for deficiency in appropriations to defray the expenses of resetting and placing monuments on the boundary lines of the state, pursuant to the provisions of chapter four hundred and twenty-one of the laws of eighteen hundred and eighty-seven, and for traveling and the necessary incidental expenses incurred in making examinations and maps required by the department, six thousand five hundred dollars.

Clerk hire and office expenses.

For the state engineer and surveyor, for deficiency in appropriations for clerk hire in his office for the fiscal year ending September thirtieth, eighteen hundred and ninety-one, one thousand dollars, or so much thereof as may be necessary, and for office expenses, five hundred dollars, or so much thereof as may be necessary.

Arsenals, armories, etc.

For repairs and betterments of arsenals, armories, rifle ranges, and the state camp belonging to the state, fifteen thousand dollars, or so much thereof as may be necessary.

State camp.

For lighting the state camp ground by electricity during the year eighteen hundred and ninety-one, the sum of twenty-five hundred dollars, payable upon the certificate of the adjutant-general.

State armory, Buffalo.

For repairs and betterments of the state armory at Buffalo occupied by the sixty-fifth regiment, and for the construction of a rifle range connected therewith, the sum of twenty-six thousand five hundred dollars, or so much thereof as may be necessary.

Pensions to national guard.

For the adjutant-general, for the payment of pensions of members of the national guard, pursuant to chapter six hundred and eleven of the laws of eighteen hundred and eighty-seven and the acts amendatory thereof, three thousand nine hundred and sixty-four dollars and eighty-two cents; and for the payment of expenses of examination of claims for pensions under said acts, one thousand eight hundred dollars, or so much thereof as may be necessary.

War claims, prosecution of.

For the adjutant-general, for services and necessary traveling expenses in prosecuting the war claims of the state against the United States, under his direction, five thousand dollars, or so much thereof as may be necessary, to be approved by the governor as commander-in-chief.

Adjutant-general, for counsel fees.

For the adjutant-general, for fees of counsel employed and necessary expenses in prosecuting the suit of the state of New York against the United States, the petition of which was filed February seventh,

eighteen hundred and eighty-nine, to recover the sum of one hundred and thirty-one thousand dollars, and now pending in the United States court of claims, the sum of twenty-five hundred dollars, or so much thereof as may be necessary, to be paid upon vouchers approved by the adjutant-general and the governor.

* * * * *

For the superintendent of public instruction, for printing and binding the general school laws of the state, revised to July first, eighteen hundred and ninety-one, for general distribution, one thousand dollars. School laws.

For the superintendent of public instruction, for printing circulars and programmes relating to the observance of arbor day, for distribution among the school districts of the state, and for other expenses relating to the observance of that day, in the year eighteen hundred and ninety-one, pursuant to the provisions of chapter one hundred and ninety-six of the laws of eighteen hundred and eighty-eight, eight hundred dollars, or so much thereof as may be necessary. Arbor day expenses.

BOARDS AND COMMISSIONS.

For the board of railroad commissioners, to enable it to pay the expenses of printing, binding and issuing one thousand copies of its special report upon the condition of the bridges of the various railroad companies of the state, the sum of fifteen thousand dollars, or so much thereof as may be necessary, to be refunded to the treasury of the state by the several corporations owning and operating railroads in this state, in such proportion as is prescribed in section thirteen of chapter three hundred and fifty-three of the laws of eighteen hundred and eighty-two. Railroad commissioners.

For deficiency in appropriations for maintenance and expenses of the state board of mediation and arbitration to the close of the present fiscal year, one thousand dollars. Board of mediation, etc.

For the forest commission, for maintenance of the Catskill deer parks, as provided in chapter five hundred and sixty-two of the laws of eighteen hundred and eighty-seven, including the purchase of live deer and other game, two thousand dollars, of which sum an amount, not exceeding two hundred and fifty dollars, may be expended by the commissioners, in completing the public path leading to the summit of Slide mountain, included within the preserve; and one thousand dollars, or so much thereof as may be necessary, for inclosing with wire fence fifty acres additional to the limits of the deer park. Forest commission.

The forest commission is hereby authorized, out of any unexpended balances of appropriations heretofore made for the prosecution of its work, to pay the expenses incurred by it by reason of the inquiry directed by the resolution of the assembly, passed January twenty-first, eighteen hundred and ninety-one. Expenses of inquiry.

For the New York state dairy commissioner, for employing experts, agents, chemists, counsel and instructors, pursuant to the provisions of chapter one hundred and eighty-three of the laws of eighteen hundred and eighty-five, chapter two hundred and ninety-eight of the laws of eighteen hundred and eighty-eight and chapter five hundred and fifteen of the laws of eighteen hundred and eighty-nine, the sum of three thousand dollars. Dairy commissioner.

For the stenographer of the board of claims, for deficiency in appropriations for salary, from May twenty-two, eighteen hundred and ninety, to the close of the current fiscal year, the sum of thirteen hundred and fifty-five dollars and fifty-seven cents. Stenographer, board of claims.

Commission in lunacy.

For the commission in lunacy, for estimated deficiency in appropriations for carrying on the work of the commission until the close of the fiscal year ending September thirtieth, eighteen hundred and ninety-one, the sum of five thousand dollars.

State reservation, Niagara.

For the commissioners of the state reservation at Niagara, for the construction of roads, walks and other improvements on the reservation, the sum of fifteen thousand dollars; and the state engineer and surveyor is hereby authorized to make such surveys and maps of the territory, along the Niagara river, within the reservation, as may be required of him by the commissioners.

State board of health.

For the state board of health, for completing the records of the bureau of vital statistics, the sum of five thousand dollars.

* * * * *

Factory inspectors.

For the factory inspector, for salaries of eight women deputy inspectors, from July first to October first, eighteen hundred and ninety-one, two thousand dollars; for expenses of the same during the same time, eight hundred and forty dollars; for expressage, postage, extra clerical work, furniture and printing of blanks and for stationery, one thousand dollars, and for services and disbursements of counsel appointed by the attorney-general to conduct proceedings on the part of the state for the enforcement of the weekly-payment law, one thousand dollars, or so much thereof in each case as may be necessary.

Gettysburg monument commissioners.

For the commissioners heretofore appointed by the legislature to erect monuments to the New York troops at Gettysburg, Pennsylvania, the sum of ten thousand dollars for a bronze statue to be placed on the state monument authorized by section six of chapter two hundred and sixty-nine of the laws of eighteen hundred and eighty-seven; and for the salary of the engineer and secretary, office rent, traveling expenses and per diem of the commissioners and other incidental expenses, the sum of six thousand nine hundred and sixteen dollars; the unexpended balance remaining in the treasury of the sum of fifty thousand dollars appropriated by chapter four hundred and twenty of the laws of eighteen hundred and eighty-nine, for the erection of a suitable memorial structure to the memory of the officers and soldiers of the state of New York who fell in the battle of Gettysburg, which was authorized by section six of chapter two hundred and sixty-nine of the laws of eighteen hundred and eighty-seven, being the sum of forty-seven thousand six hundred dollars, is hereby reappropriated for the same purpose.

STATE PRISONS.

Clinton prison.

For the superintendent of state prisons, for the erection of temporary buildings at Clinton prison, and for the purchase therefor of machinery, tools, fixtures, apparatus for electrical executions, books for library, kitchen utensils, surgical and musical instruments in place of those recently destroyed by fire, fifteen thousand dollars, or so much thereof as may be necessary.

Reimbursement of physician at.

For the superintendent of state prisons, and upon bills to be approved by him, for reimbursing the resident physician at Clinton prison for loss sustained by him of library, surgical instruments, drugs, furniture and other personal effects belonging to him and recently destroyed by fire at the prison, the sum of nine hundred and forty-one dollars and eighty cents, or so much thereof as may be necessary.

Instruction for prisoners.

For securing additional instruction in the several state prisons, fifteen hundred dollars, or so much thereof as may be necessary, to be expended under the direction of the superintendent of state prisons.

For the state prison at Auburn, to be expended under the direction of the superintendent of state prisons, for water mains and pipe and the construction of a stand-pipe and pump and connections therewith, for a water supply to the prison, the sum of eight thousand dollars; and for the erection of an iron railing around the walls of the prison pond and the building of a stone spill-way and a lateral wall connected therewith at the prison dam, the sum of one thousand dollars.

State
prison,
Auburn.

ASYLUMS AND HOSPITALS.

For the Willard state hospital, to be expended by the local board of trustees, for repairs, alterations and furniture in the main building; for new dining-rooms; for general repairs and furniture in detached buildings; for fire-escapes; for water-main to detached buildings, two and four; for repairs and alterations of laundry; for enlarging and repairing amusement hall, the sum of thirty-seven thousand seven hundred dollars. Where the work is not done in whole or in part by the labor of patients or the ordinary working force of the hospital, the same shall be done upon contract or contracts approved by the comptroller, with proper sureties for the completion of the work, and the purchase of materials within the limits of the appropriation.

Willard
State Hos-
pital.

For the House of Refuge for Women, at Hudson, to be expended by the local board of managers * * * for enlarging and furnishing the kitchen, erecting a laundry and drying room, for the use of the hospital, the sum of five thousand five hundred dollars, or so much thereof as may be necessary.

House of
Refuge.
Hudson.

For the State Custodial Asylum for Feeble-Minded Women, at Newark, to be expended by the local board of managers, for the erection and furnishing of a cottage for the inmates thereof; for the construction of an ice-house, cooling-room and refrigerator, and for the erection and furnishing of a hospital, sixteen thousand dollars.

Custodial
Asylum.

For the State Asylum for Insane Criminals, at Matteawan, to be expended under the direction of the superintendent of state prisons, for defraying expenses for transportation of inmates from Auburn to Matteawan, two thousand dollars, for additional furniture, the sum of nine thousand five hundred dollars; and for farm roads, fences, drainage, ice-house, grading and other farm improvements, the sum of ten thousand dollars.

Asylum
for Insane
Criminals.

For the State Asylum for Insane Criminals, at Matteawan, for construction of two cisterns; for outside platforms and steps; for steam heating and connections and engines; for ventilating apparatus; for electric light fixtures; for water-tank; for water connections for fire purposes; for additional work not in contract; for iron stairways; for finishing second stories of infirmaries; for pipe-covering; for sewerage; and for grading and architects, seventy-six thousand four hundred and sixty-one dollars and fifty-three cents.

For the Middletown State Homœopathic Hospital, to be expended under the direction of the local board of managers, for completing water supply and purchase of stand pipe, twelve thousand dollars; for connecting hospital with city sewerage, five thousand dollars; for building and repairing barns on new farm, one thousand dollars; for purchase of stock for new farm, two thousand dollars; for furnishing two new cottages and for fixtures, two thousand dollars; for window guards for new cottages, seven hundred dollars; for purchasing and placing new boilers and other machinery, moving boilers from pavilions to boiler-house and constructing additional room in boiler-house, five

Middle-
town State
Hospital.

thousand dollars; for purchase of safe for steward's office, two hundred and fifty dollars; for purchase of books for new library for patients, five hundred dollars; and for laying wall to fence hospital grounds from public road, and grading path along same, as ordered by city authorities and laying stone walk, one thousand dollars.

Buffalo
State
Hospital.

For the Buffalo State Hospital, to be expended under the direction of the local board of managers, * * * for reimbursing the maintenance account, four thousand dollars; for additional machinery in the laundry, and enlargement of the drying-room, two thousand dollars; for constructing a silo and purchase of a cutting-machine therefor, one thousand dollars; and for increase of medical and patients' library, and purchase of cases and instruments, five hundred dollars.

Thomas
Asylum.

For the Thomas Asylum for Orphan and Destitute Indian Children, for purchase of new boilers and radiators, and placing same, and for work and material for the erection of a brick building, the sum of eight thousand five hundred dollars.

Insane
Indians,
removal
of.

The balance remaining in the treasury unexpended of the sum of two thousand dollars appropriated by chapter four hundred and fifty-one of the laws of eighteen hundred and eighty-eight, for payment of the cost and expenses for the removal of insane Indians to, and their maintenance in any of the state hospitals, being the sum of eight hundred and eighty-eight dollars and sixty cents, is hereby reappropriated for the same purpose; and the further sum of one thousand dollars is hereby appropriated for the same purpose.

Utica State
Hospital.

For the Utica State Hospital, to be expended under the direction of the local board of managers, for the construction of fifteen hundred feet of new sewer, two thousand six hundred dollars; for the purchase and placing of two new boilers, and repairs of steam-heating plant, five thousand dollars; for purchase of a drilling-machine, jig saw, buzz saw, mortise machine and wood lathe, five hundred and eighty dollars; for metal fire-proof ceiling in the women's department, fifteen hundred dollars; for increasing the water supply, five thousand dollars; for sleigh for use of patients, two hundred and fifty dollars; for building two new pig pens, one thousand dollars; for purchase of two pianos and one organ, seven hundred and ninety dollars. * * *

St. Lawrence
State Hospital.

For the St. Lawrence State Hospital, for completion of cottages numbers three and four, including exterior finish; for erecting and inclosing cottage for convalescents, east; for erecting and inclosing group number three; for finishing steward's cottage; for car tracks in conduits; for grading; for fitting up gardener's cottage for accommodation of thirty-five patients, and for general supervision, two hundred and ninety-nine thousand five hundred and fifty-five dollars; for additional work on central group and laundry building; for plumbing, and painting interior walls of infirmary group; for foundation walls and chimneys of group number three; for additional foundation walls of, and additional work on infirmary group; for excavation and grading, and construction of basement walls for cottage for convalescents; and for arches, windows and floors of cottages numbers three and four, central group, seventy-four thousand nine hundred and ninety-six dollars and eighty cents; and for deficiency in maintenance account, twenty thousand dollars.

Hudson
River State
Hospital.

For the Hudson River State Hospital, to be expended under the direction of the local board of managers, for general renewals, repairs and betterments, six thousand dollars; for ice-houses for storage of twelve hundred tons of ice, three thousand dollars; for additional laundry machines and fixtures, two thousand dollars; for new furni-

ture and furnishing, fifteen hundred dollars; for painting in old and new buildings, fifteen hundred dollars; for iron bedsteads, beds and bedding, and to make alterations in the main building, to adapt it to occupancy for fifty female patients, three thousand dollars; for deficiency in maintenance account, twenty thousand dollars. * * *

For the Syracuse State Institution for Feeble-minded Children, to be expended under the direction of the local board of managers, for moving and repairing the farm-barn and the erection of sheds for cattle, two thousand one hundred dollars; for construction of silo, one thousand dollars; for fences and drainage of land, six hundred dollars; for extension of stone-wall fence on Wilbur avenue, two thousand dollars; and for hot water boiler, new steam pump and radiators and necessary connections and placing the same, one thousand dollars. * * *

Syracuse
Institution
for Feeble-
minded
Children.

For the New York State Soldiers and Sailors' Home, at Bath, for deficiency in maintenance account, fifteen thousand dollars; and for new slaughter house, addition to headquarters, new pest house, and repairs and betterments of buildings, twenty thousand dollars.

Soldiers
and Sail-
ors'
Home.

For the Binghamton State Hospital, to be expended under the direction of the local board of managers, for iron girders, tile floor and corrugated iron ceiling for north building kitchen, twelve hundred dollars; for painting buildings, four thousand five hundred dollars; for new boiler to increase heating capacity, fifteen hundred dollars; for thirty-two windows in eight turrets of the main building, one thousand and forty dollars; for furniture, including piano for entertainments three thousand five hundred dollars; for removing building at Phelps farm and fitting same for swine and poultry, five hundred dollars; for fire-escapes, eight hundred dollars; for enlarging fire engine-house east of main building, four hundred dollars; for twelve hundred feet of four-inch iron water pipe and four hydrants, five hundred dollars; for farm-barn and silo, five thousand five hundred dollars, and for material and labor in rebuilding and enlarging the main steam line from boiler house at river to administration building, thirty thousand nine hundred and thirty dollars, and for deficiency in maintenance account, twenty five thousand dollars.

Bingham-
ton State
Hospital.

For expenditures incurred since October first, eighteen hundred and ninety, and for those which may hereafter be incurred in the transportation of the insane poor from their homes and from county poor houses to state hospitals, including services of female attendants for female patients, pursuant to the provisions of chapter one hundred and twenty-six of the laws of eighteen hundred and ninety, eighteen thousand dollars.

NORMAL SCHOOLS.

For the Normal and Training School, at Geneseo, for purchasing and placing two new boilers, two thousand one hundred and thirty dollars; for construction of new chimney for boilers, three hundred dollars, and for new water and steam pipe and radiators throughout the school building, two thousand five hundred dollars.

Normal
schools.
Geneseo.

For the Normal and Training School, at Brockport, for additional heating apparatus, ventilation and plumbing; for gymnasium furniture, books and philosophical apparatus; for completing new building; and for repairs of old buildings, and for fences and walls, eight thousand dollars.

Brockport.

For the Normal and Training School, at Plattsburgh, for completing school building, for draining tile, steam heating and ventilation,

Platts-
burgh.

for furniture, fixtures and school apparatus and supplies, on bills to be approved by the local board of managers, fourteen thousand five hundred and forty-four dollars and eighty-one cents; and for gymnasium, library, maps, grading of grounds, flag-stones for walks and laying the same, nine thousand one hundred and twenty-five dollars.

* * * * *

Buffalo. For the Normal and Training School at Buffalo, for two new boilers and additional radiators for heating the school building, the sum of two thousand three hundred and fifty dollars, or so much more thereof as may be necessary.

Albany. For deficiency in appropriations for maintenance of the State Normal College at Albany, to the close of the current fiscal year, the sum of three thousand dollars.

Indian youths, support of, in normal schools. For the support and education of not more than ten Indian youths at the state normal and training schools in this state, as provided by chapter eighty-nine of the laws of eighteen hundred and fifty, the sum of one thousand dollars. Said Indian youths shall be selected from the state reservations and appointed to the different normal and training schools, as provided by said chapter

PUBLIC WORKS.

Surveys, etc., in canal claims. For the state engineer and surveyor, for surveys and maps for the use of the attorney-general in cases before the board of claims arising on account of the canals of the state, five thousand dollars, or so much thereof as may be necessary.

Shinnecock and Peconic channel. For the completion of the Shinnecock and Peconic connecting channel, to be expended under the direction of the superintendent of public works, fifteen thousand dollars, or so much thereof as may be necessary.

* * * * *

Bird Island pier, Buffalo. For the superintendent of public works, for improving and extending Bird Island pier, in the city of Buffalo, the sum of twenty-five thousand dollars. No work shall be done or money expended for the improvement or extension of said pier except on plans and specifications to be prepared by the state engineer and surveyor.

Black Rock harbor. For the superintendent of public works, for dredging Black Rock harbor and widening the channel leading thereto, below the ship locks at Black Rock, in the county of Erie, ten thousand dollars; but no part of this appropriation excepting for necessary inspection and engineering shall be expended, until a contract shall have been executed, with sufficient sureties by the lowest responsible bidder or bidders, after suitable advertisement for the completion of the work.

Onondaga Indian reservation. For repairs of highways and bridges on the Onondaga Indian reservation, to be expended under the direction of the superintendent of public works, as follows: On the road and bridges known as the Quarry road, three hundred dollars; on the road and bridges known as the Cardiff road, five hundred dollars; on the road and bridges known as the William Hill road, four hundred dollars, and on the road and bridges known as the South Onondaga road, three hundred dollars.

Cattaraugus reservation. For the repairs of the public highways on the Cattaraugus Indian reservation in the county of Erie, near the 'Thomas' Orphan Asylum, one thousand five hundred dollars, to be expended under the direction of the superintendent of public works.

Superin- For the superintendent of public works, to enable him to pay

counsel fees, costs, and damages in a suit brought in the supreme court in Monroe county, in eighteen hundred and eighty-seven, against Valentine Brown, for trespass while acting for the state and under the direction of the superintendent of public works, the sum of six hundred and twenty-seven dollars and thirteen cents.

tendent of
public
works for
counsel
fees, etc.

MISCELLANEOUS.

For the B. W. Wooster Furniture Company, for book-cases, repairs of furniture, materials furnished and work done in the office of the secretary of state, in the year eighteen hundred and ninety, the sum of five hundred and ninety-nine dollars and sixty cents, or so much thereof as may be necessary.

B. W.
Wooster Co

For the Hudson River Bridge Company, for rent of dock at Albany, for the use of the commissioner of the new capitol for landing and storing material for the capitol, from January first, eighteen hundred and eighty-seven, to July first, eighteen hundred and ninety, at the rate of four hundred and two dollars per annum, upon the approval of the commissioner of the new capitol, the sum of fourteen hundred and seven dollars, or so much thereof as may be necessary.

Hudson
River
Bridge
Company.

For the Albany city water-works, for water used in the capitol, from November fifteenth, eighteen hundred and eighty-eight, to November fifteenth, eighteen hundred and ninety, upon the approval of the commissioner of the new capitol, the sum of nine hundred and eighty-five dollars and eight cents, or so much thereof as may be necessary.

Albany
city water-
works.

For deficiency in appropriations for the care, cleaning, labor, lights, services of orderlies and watchmen and other necessary expenses of the public buildings in charge of the trustees of public buildings, fifteen thousand dollars, or so much thereof as may be necessary.

Public
buildings,
care, etc.,
of.

For carpets, furniture, curtains, shades and other equipments for the assembly chamber, the senate chamber, executive chamber and other departments, six thousand dollars; for two water filters, as recommended by the chief engineer at the capitol, twenty-five hundred dollars; for repairing the court yard of the capitol, twenty-seven hundred and fifty dollars; for purchasing two steam boilers and setting the same, twelve thousand dollars; for covering for pipe, nine hundred dollars, and for draining engine room into sewer trap, four hundred dollars, or so much thereof in each case as may be necessary.

Capitol,
furniture,
repairs,
etc.

For Abram J. Dittenhoefer, in full for services and disbursements as counsel to the board of electrical control in and for the city of New York, and as assignee of Charles A. Hess and Sidney W. Stuart, for like services and disbursements by them, in an action against the said board brought in the supreme court by the Madison Square bank, the sum of one thousand dollars, to be refunded to the treasury of the state by the several companies operating electrical conductors in said city, which are or shall be required to place and operate any of their conductors under ground, pursuant to the provisions of chapter four hundred and ninety-nine of the laws of eighteen hundred and eighty-five and the acts amendatory thereof.

A. J. Dit-
tenhoefer.

For the maintenance of farmers' institutes held by or under the direction of the New York State Agricultural Society, to be paid upon the order and certificate of the secretary of said society, in sums as needed, for which detailed statements of expenditures, by the secretary, duly verified by the affidavit of a member of the finance committee of said society, shall be rendered, ten thousand dollars, or so much thereof as may be necessary.

Farmers'
institutes.

Experi-
ment Sta-
tion,
Geneva.

For the New York Agricultural Experiment Station, at Geneva, to be expended as shall be authorized by the board of control thereof, in enforcing the provisions of chapter four hundred and thirty-seven of the laws of eighteen hundred and ninety, in addition to the sum therein appropriated, the sum of ten thousand dollars.

Law
library,
Newburgh.

For the second judicial district law library, at Newburgh, for the purchase of law books and reports, two thousand dollars, to be paid on bills therefor certified by a majority of the trustees of the association having charge of the library.

Supreme
court
library,
Syracuse.

For the library of the supreme court, in the fifth judicial district, at Syracuse, for the purchase of books, to be paid on bills therefor certified by a majority of the justices of the supreme court of said district, one thousand five hundred dollars.

Supreme
court
library,
Saratoga
Springs.

For the library of the supreme court in the fourth judicial district, at Saratoga Springs, for the purchase of law books, to be paid on bills therefor certified by a majority of the justices of the supreme court of said district, five hundred dollars.

Supreme
court
library,
Bingham-
ton.

For the library of the supreme court in the sixth judicial district, at Binghamton, for the purchase of books, to be paid on bills therefor certified by a majority of the justices of the supreme court of said district, one thousand five hundred dollars.

Supreme
court sten-
ographers.

For deficiency in appropriations for the stenographers of the supreme court in the third, fourth, fifth, sixth, seventh and eighth judicial districts for compensation to the close of the current fiscal year, pursuant to sections two hundred and fifty-eight and two hundred and fifty-nine of the Code of Civil Procedure, twenty-five thousand one hundred and twenty-five dollars, to be refunded to the treasury as required by chapter four hundred and twenty-six of the laws of eighteen hundred and ninety.

Messenger,
court of
appeals.

For the messenger of the second division of the court of appeals, for salary for the fiscal year commencing October first, eighteen hundred and ninety-one, six hundred dollars.

Infectious
and con-
tagious
diseases
of animals.

The balance remaining in the treasury of the sum of twenty thousand dollars appropriated by chapter two hundred and sixty-eight of the laws of eighteen hundred and eighty-seven, for the purpose of carrying out the provisions of chapter one hundred and thirty-four of the laws of eighteen hundred and seventy-eight and chapter four hundred and eighteen of the laws of eighteen hundred and eighty-four, entitled respectively "An act in relation to infectious and contagious diseases of animals," being the sum of twelve thousand eighty-nine dollars and forty cents, is hereby reappropriated for the same purpose.

Memorial
bronze
tablet.

For the erection of a memorial bronze tablet, under the supervision of the Gettysburg Battlefield Memorial Association, by the contributions of the several states whose troops participated in the repulse of Longstreet's assault, at the place on the battlefield known as "the high water mark" of the rebellion, the sum of two thousand four hundred dollars.

Deaf-
Mutes'
Journal.

For supplying the Deaf-Mutes' Journal to the indigent deaf and dumb persons in this state, the sum of six hundred and fifty dollars.

Northern
N. Y. Insti-
tution for
Deaf Mutes.

For the Northern New York Institution for Deaf-Mutes, in Malone, to be expended under the direction of the board of trustees, for the erection of a suitable building for the industrial education of the pupils in said institution, and for furnishing the same with the proper tools and machinery for such education, the sum of seven thousand dollars.

Meteoro-

For the State Meteorological Bureau and Weather Service, to be ex-

pended under the direction of the commissioners thereof, the sum of four thousand five hundred dollars, or so much thereof as may be necessary, for the prosecution of its work to the close of the next fiscal year, pursuant to the provisions of chapter one hundred and forty-eight of the laws of eighteen hundred and eighty-nine.

For the board of electrical control in and for the city of New York, for services and expenses of the commissioners thereof from the first day of November, eighteen hundred and ninety to the first day of November, eighteen hundred and ninety-one, forty thousand one hundred dollars, or so much thereof as may be necessary; which amount, together with such reasonable compensation for services and expenses of clerks in the office of the comptroller as may be certified by him, not exceeding the sum of two thousand dollars, for the expense of the levy and collection thereof, shall be refunded to the treasury of the state by the several companies operating electrical conductors in said city which are or shall be required to place and operate any of their conductors under ground, pursuant to the provisions of chapter four hundred and ninety-nine of the laws of eighteen hundred and eighty-five, and the acts amendatory thereof; which said companies shall furnish the comptroller the data and necessary information required to make assessments pursuant to sections seven and eight of said chapter four hundred and ninety-nine of the laws of eighteen hundred and eighty-five, as amended, and said commissioners shall furnish to the comptroller a list of such companies. The assessments of the amounts to be paid for the said board of electrical control shall be made according to law, upon the several corporations and companies liable therefor, by the comptroller, at such time or times at his office in the city of Albany, as he shall designate, when they may be heard thereon, of which the comptroller shall give such corporations and companies at least one week's prior notice, to each a written or printed copy of such notice in the usual way, by mail, directed to them at their respective places of business, postage thereon prepaid.

For the board of port wardens of the port of New York, for office expenses, pursuant to chapter one hundred and forty-two of the laws of eighteen hundred and ninety-one, the sum of four thousand five hundred dollars.

For payment of fees and disbursements of counsel and experts in the investigation of charges against Henry W. Bookstaver, a judge of the court of common pleas of the city of New York, heard before the committee on the judiciary of the assembly of eighteen hundred and ninety, pursuant to resolution of the assembly adopted February seventh, eighteen hundred and ninety, twelve thousand dollars.

For the chief game and fish protector, for the payment of expenses of detectives necessarily employed in the service of his department; of legal expenses incurred by specially employed counsel, payable only as provided in section three of chapter five hundred and seventy-seven of the laws of eighteen hundred and eighty-eight; and for necessary office and contingent expenses, one thousand dollars, or so much thereof as may be necessary.

For the purchase of file boxes for use in the office of the clerk of the court of appeals, to be paid on bills certified therefor by the clerk of the court of appeals, one thousand five hundred dollars, or so much thereof as may be necessary.

For John F. Dwyer and W. Barlow Dunlap, for their legal expenses incurred by them respectively in the matter of the election contest for

logical bureau and weather service.

Board of electrical control.

Amount, how refunded to state.

Assessments therefor, how made.

Port wardens.

Counsel fees, etc., in Bookstaver investigation.

Chief game and fish protector.

Court of appeals, for file boxes.

J. F. Dwyer and W. B. Dunlap.

the seat in the assembly of eighteen hundred and ninety-one, from Montgomery county, to each of them the sum of fifteen hundred dollars, and for their other necessary expenses incurred in such contest, the sum of one thousand dollars, or so much thereof as shall be necessary.

* * * * *

William
Loeb, Jr.

For William Loeb, junior, as stenographer, for reporting the hearings before the committee of the senate on finance, on the Adirondack park bills, in March, eighteen hundred and ninety-one, the sum of seventy-five dollars; and for compensation of clerical services to the committee on ways and means of the assembly of eighteen hundred and ninety-one, five hundred dollars.

Ward is-
land inves-
tigation,
counsel
fees, etc.,
in.

For the payment of counsel, for services and disbursements upon the employment of the committee of the senate on finance, in its investigation of matters connected with Ward's island, pursuant to resolution of the senate adopted May eighth, eighteen hundred and ninety, the sum of two hundred dollars; and such employment is hereby legalized and confirmed.

Expenses
of com-
mittee.

For the traveling and other necessary expenses of the committee of the senate on finance incurred by the members thereof in their investigation of the matters connected with Ward's island, pursuant to resolution of the senate, adopted May eighth, eighteen hundred and ninety, the sum of one hundred and ten dollars.

* * * * *

PAYABLE FROM THE FREE SCHOOL FUND.

Fees of
county
treasurers.

For fees of county treasurers, for receiving and disbursing the state school tax moneys for the year eighteen hundred and ninety-one, the sum of eight thousand dollars, or so much thereof as may be necessary, pursuant to chapter one hundred and ten of the laws of eighteen hundred and seventy-one.

* * * * *

Managers,
etc., not
to be inter-
ested.

No manager, trustee or other officer of any state charitable or other institution receiving moneys from the state treasury for maintenance or support shall be individually interested in any purchase, sale or contract made by any officer for any of said institutions.

Quarterly
accounts,
certain
officers to
make.

The managers, trustees, superintendent or other proper officer of each state hospital, asylum, charitable or reformatory institution, the state commission in lunacy, the state board of charities, the state board of health, and the commission of fisheries shall, quarterly, on January first, April first, July first and October first of each fiscal year, render to the comptroller a detailed, itemized and particular account of all receipts and expenditures, with sub-vouchers, of such state hospital, asylum, charitable or reformatory institution, state commission in lunacy, state board of charities, state board of health and commission of fisheries, during the three months preceding.

To be re-
ceipted and
verified.

Such accounts shall be receipted and verified by the oath or affirmation of the officer rendering the same; and the comptroller shall examine and audit such accounts with the same authority as if they had been liquidated and paid in full from moneys appropriated from the state treasury.

Source of
receipts to
be given.

The accounts shall give in detail the source of all receipts, including any sums received from counties and be accompanied by original and proper vouchers covering the items of expenditure, unless

Vouchers.

such vouchers shall have been previously filed with the comptroller,

or with the treasurers of counties or other persons entitled to receive the same.

All institutions receiving moneys from the state treasury for maintenance, in whole, or in part, shall deposit all their funds in some responsible bank, banks or banking house, in pursuance of the provisions of chapter three hundred and twenty-six of the laws of eighteen hundred and eighty-eight; and all state institutions and departments, excepting charitable institutions, reformatories, houses of refuge and state industrial school, shall pay into the treasury, quarterly, all receipts and earnings other than receipts from the state treasury.

Deposit of funds in bank.

Earnings, etc., quarterly payment of.

All charitable institutions, reformatories, houses of refuge and the industrial school shall file with the comptroller on or before October twentieth of each year, a certified inventory of all articles of maintenance on hand at the close of the preceding fiscal year, naming in such inventory the kind and amount of such articles of maintenance.

Annual inventory to be filed.

The comptroller is authorized and empowered to devise a form of accounts to be observed in every state charitable institution, reformatory, house of refuge, industrial school or department, which shall be accepted and followed by such institutions and departments after thirty days' notice thereof has been submitted to them by the comptroller, and such form of accounts shall include such a uniform method of book-keeping, filing and rendering of accounts as may insure a uniform mention of purchase of like articles, whether by weight, measure or otherwise, as the interest of the public service requires. Such form shall also include a uniform rate of allowance in reporting in such institutions and departments the amount and value of all produce and other articles of maintenance raised upon lands of the state, and which may enter into the maintenance of such institutions or departments.

Form of accounts for institutions and departments.

It shall be the duty of the clerk or bookkeeper in each state charitable institution, reformatory, house of refuge, industrial school, or any state department, to receive and examine all articles purchased by the proper officer or received for the maintenance thereof, to compare them with the bill thereof, to ascertain whether they correspond in weight, quantity and quality, and to inspect the supplies thus received; and said clerk or bookkeeper shall also enter each bill of goods thus received in the books of the institution or department in which he is employed, at the time of the receipt of the articles; and if any discrepancy is found between such bill and the articles received, he shall make a note thereof, whether it be in weight, quality or quantity, and no goods or other articles of purchase, or farm or garden production of lands of the institution shall be received unless an entry thereof be made in the book of accounts of the institution, with the proper bill, invoice or mention, according to the form of accounts and record prescribed by the comptroller.

Duty of clerk or bookkeeper of institutions and departments.

In accounts for repairs or new work, the name of each workman, the number of days he is employed, and the rate and amount of wages paid to him shall be given.

Accounts for repairs.

If contracts are made for repairs or new work, or for supplies, a duplicate thereof, with specifications, shall be filed with the comptroller.

Contracts.

§ 2. This act shall take effect immediately.

CHAP. 303.

AN ACT to promote wider extension to the people of opportunities for education.

APPROVED by the Governor May 1, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows.

Powers of regents of university.

SECTION 1. To provide for, promote, more widely extend to and bring within the reach of the people at large, adults as well as youth, opportunities and facilities for education, the regents of the university of the state of New York are hereby authorized to co-operate with localities, organizations and associations in this state, where such education shall be desired, and to aid therein by recommending methods therefor, designating suitable persons as instructors, conducting examinations, granting certificates thereupon, and otherwise rendering assistance in such educational work.

Appropriation.

§ 2. The sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated from any money in the treasury not otherwise appropriated, for the necessary expenses of carrying into effect the provisions of this act, said expenses to be paid by the treasurer on the warrant of the comptroller, on vouchers duly authenticated by the regents of the university; but no part of the sum herein appropriated shall be expended in paying for the services or expenses of persons designated or appointed as lecturers or instructors to carry out the provisions of this act; it being the intent of this act that such expenses shall be borne by the localities benefited.

Expenses of lecturers or instructors.

§ 3. This act shall take effect immediately.

CHAP. 304.

AN ACT authorizing the trustees of the village of Churchville, to act as trustees of the cemetery of said village.

APPROVED by the Governor May 1, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Board of trustees and officers thereof.

SECTION 1. The trustees of the village of Churchville, Monroe county and state of New York, shall on and after the first day of May, eighteen hundred and ninety-one, act as the trustees of the Protestant cemetery of the said village, and the president of said village shall act as chairman of such board, and the clerk of said village shall act as the clerk thereof, and such board shall hold their meetings as such board of trustees for said cemetery in conjunction with their regular monthly meetings now held as trustees of said village of Churchville aforesaid, and shall hold their offices respectively as provided therein by title two, section one of chapter nine hundred and forty-one of the laws of eighteen hundred and sixty-seven.

Meetings.

Terms of office.

Powers and duties of president.

§ 2. It shall be the duty of the president to preside at the meetings of such board of trustees, to call special meetings whenever he shall deem it necessary to receive complaints of any breach of the by-laws, rules, regulations or ordinances regarding the cemetery of said village, and to see that such by-laws, rules and regulations are faithfully ob-

served and executed, and to prosecute in the name of the village as provided in the charter thereof, any breach thereof.

§ 3. The trustees of said cemetery are hereby impowered to lay out and divide the said cemetery into burial lots, and to sell and convey the said burial lots for burial purposes. Burial lots.

§ 4. The trustees of said village shall have power to raise, levy and collect a tax or assessment upon all persons holding or owning any burial lot, plat or parcel of land or any interest in or to any burial lot, plat or parcel of land in said cemetery for the keeping of said cemetery, the fences, walks, trees, shrubs and grounds therein in proper repair not exceeding the sum of one dollar in any one year which tax so levied and assessed shall be a lien upon the burial lot, plat or parcel of land so assessed. And said trustees shall cause a notice of such assessment and tax to be served upon the owners of such burial lot, plat or parcel of land within thirty days after such assessment or tax is so levied, and made, if such owner or owners reside in the town of Riga, Monroe county, New York, and if such owner or owners shall not reside within the town of Riga aforesaid, then by inclosing a copy of such notice in a post-paid wrapper directed to the last known place of residence of such owner or owners which shall be equivalent to a personal notice of such assessment or tax. Assessment or tax for care thereof.

Notice thereof, how served.

§ 5. And it is hereby provided that such trustees shall have the power, if such assessment or tax be not paid to the treasurer of such board, who shall be the treasurer of said village of Churchville aforesaid, within six months from the date of such notice aforesaid, then upon a vote of a majority of said trustees at a regular meeting thereof to sell such burial lot, plat or parcel of land upon which such assessment or tax shall remain due and unpaid at public auction to the highest bidder at such time and place as shall be designated by said trustees, and a notice of such sale either printed or written shall be posted at least in three public places in said village of Churchville three weeks prior to such sale, and the person or persons whose burial lot, plat or parcel of land is sold as aforesaid, shall within two years from the date of such sale, have the right to redeem such lands so sold by paying to the purchaser thereof, or by depositing with the treasurer of said village the sum for which said parcel of land was so sold, together with the sum of one dollar as the expenses of such sale, and seven per centum interest per annum on the sum for which said parcel of land was so sold, which said sum shall be repaid to the purchaser from whom said parcel was so redeemed less the sum of one dollar and one per centum of the interest so paid thereon, which shall be credited to the fund of said cemetery. Sale of lots for unpaid assessments, etc.

Notice of sale.

Right of redemption.

Repayment to purchaser.

§ 6. The trustees of said cemetery are hereby empowered to receive any gift, devise or bequest of moneys or other securities, the moneys, proceeds or avails thereof which are to be used to keep said cemetery in repair, or to be otherwise used in and about said cemetery. And such moneys so received shall be deposited or invested as a majority of such trustees shall elect, unless otherwise directed by the devisor or grantor. Gifts, devices, etc.

§ 7. The trustees of such village are hereby empowered to make and enforce such ordinances and by-laws relating to said cemetery as they shall deem necessary for the carrying out of the provisions of this act. Ordinances and by-laws.

§ 8. This act shall take effect May first, eighteen hundred and ninety-one.

Holding
of office.

officer shall hold office during his specified term and until a successor has qualified. No person shall hold at the same time more than one of the offices created by this act, unless otherwise provided herein.

Polls,
when
opened.

§ 8. The polls of the annual village election shall be opened at eight o'clock in the morning. The inspectors of election shall attend at the polling places on the day appointed for an election and shall possess all the powers and discharge all the duties of inspectors of election under the general election laws of this state except as herein provided. In case all of said inspectors fail to serve at an election, the voters present shall select from the qualified voters, inspectors enough to make the number up to three, which inspectors so elected shall, before entering upon their duties as such, take the oath of office prescribed for inspectors of general elections. A poll-list of all persons voting at any election shall be kept by said inspectors. As soon as said board of inspectors shall be organized the polls of the election shall be opened and kept open without intermission or adjournment until seven o'clock in the afternoon, at which time said polls shall be closed. After the polls of such elections have been closed the inspectors shall immediately thereafter and without adjournment publicly canvass the votes received at such election. Immediately after

Inspectors,
their
duties,
etc.

Canvass
and state-
ment of
votes.

thus canvassing the votes the said inspectors shall make one statement or return, signed and certified by them, certifying the number of votes cast at such election for each person voted for thereat, and for what office. Said returns shall contain a statement of the various resolutions voted upon at such election, and the number of votes cast for and against each. Such return shall be immediately filed with the village clerk. Within twenty-six hours after the close of such election, the board of trustees shall convene as a board of canvassers and shall proceed without adjournment to canvass the returns so filed, and decide and declare the persons who receive the greatest number of votes at such election, and are eligible, duly elected to the respective offices for which said votes were cast, and which of the resolutions voted for at such elections were carried; such canvass shall be reduced to writing, signed by a majority of said board, and filed and recorded by the clerk of said village in the village records. The clerk of the village shall act as clerk of said canvassing board. The village clerk, immediately upon the recording of said canvass, shall notify every person so certified to have been elected, of his election, by leaving with him personally, or at his residence or place of business a printed or written, or partly written and partly printed, notice of his election. The officers thus elected shall enter upon their duties upon the third Monday of April.

Canvass
and state-
ment of
trustees.

Notice to
officers
elected.

Election
law appli-
cable.

§ 9. The provisions of the law in respect to general elections for state and county officers shall apply to elections under this act so far as the same are applicable to and consistent therewith.

Qualifica-
tions of
voters.

§ 10. Every inhabitant residing in said village who shall at the time of offering his vote, be qualified to vote for member of assembly shall be entitled to vote for all officers to be elected by virtue of this act, but no person shall vote upon any proposition to raise a tax or appropriate the same, or to purchase property unless he or his wife shall at the time hold real estate liable to be assessed for such tax.

Ballots.

§ 11. The electors shall vote by ballot. Each person offering to vote shall deliver his ballot, so folded as to conceal its contents, to one of the inspectors in presence of the board. The ballot shall be a paper ticket, which shall contain written or printed, or partly written and partly printed, the names of the persons for whom the elector intends to vote,

and shall designate the office to which each person so named is intended by him to be chosen, but no ballot shall contain a greater number of names of persons as designated to any office than there are persons to be chosen at the election to fill such office.

§ 12. Every person elected or appointed to any office under this act, before entering on the duties of the same and within five days after notice of his election or appointment is served on him, as herein provided, shall take and subscribe the oath of office prescribed by the constitution of this state before any officer duly authorized to administer oaths, and file the same with the village clerk. Every person elected or appointed to any office in said village, who by this act, the general laws of the state, or by resolution or ordinance of the board of trustees shall be required to give a bond or security, shall before he enters upon the duties of his office execute a bond with two or more sureties, obtain the approval of the board of trustees thereon and file the same with the village clerk, and if any such person so elected or appointed shall neglect or refuse to take and file such oath, or to execute, obtain the approval upon, and file such bond within thirty days after receiving notice of election and before he enters upon the duties of his office and within the time aforesaid, the board of trustees may, by resolution to be entered in the records of their proceedings, declare such office vacant and proceed to cause the same to be filled in the manner provided by this act in cases of vacancies in office.

Oath of office.

Official bonds.

Failure to file oath or execute bond.

§ 13. If, at any election authorized by this act, any of the village officers shall not have been chosen, by reason of two or more candidates having received an equal number of votes for the same office, or if any of the officers shall fail to qualify, or file the requisite bond within the time prescribed in this act, or if any vacancies shall occur in any of the village offices from any cause, the vacancy in such office except in case of president or a trustee shall be filled by the board of trustees, by the appointment of a qualified person to the office, to hold until the next annual election and until his successor has qualified. Such appointments are to be entered in the records of the proceedings of the board of trustees. A special election may be held for the election of a president or trustee if deemed necessary.

Vacancies, how filled.

Special election.

§ 14. No person shall be eligible to the office of president, trustee or assessor unless he or his wife shall own real estate liable to be assessed for the expenditures of said village, and no person shall be elected or appointed to any office hereby created or authorized unless he shall be an elector and resident of the village. Whenever any officer of said village shall cease to be a resident thereof, or shall hand his resignation of said office to the board of trustees, his office shall thereby become vacant.

Eligibility to office.

Office, when deemed vacant.

§ 15. Neither any member of the board of trustees of the village nor street commissioner or the village clerk shall be directly or indirectly interested in any contract to which the village shall be a party. Whenever any one of said officers shall become interested in any such contract, his office shall thereby become vacant, and such contract shall become void.

Not to be interested in contracts.

§ 16. If any person, having been in office in said village, shall not, within ten days after notification and request, deliver to his successor in office, who shall have duly filed his official oath and filed the requisite bond, duly approved, all property, papers and effects of every description in his possession or under his control, belonging to said village, or appertaining to the office so held, he shall forfeit and pay for the use of said village one hundred dollars, besides all damages

Failure to deliver papers, etc., to successors.

Forfeiture and penalty.

caused by his neglect or refusal to so deliver, together with a penalty of not exceeding twenty-five dollars for each day during which such property, papers or effects are so retained by him.

TITLE III.

POWERS AND DUTIES OF THE BOARD OF TRUSTEES.

- Meetings of trustees.** SECTION 1. The board of trustees shall meet at such times and place in the village as they shall by ordinance or resolution direct. Special meetings shall be called by the president, on the written request of two trustees or ten freeholders, at such time and place as the written notice to be served on the trustees shall direct. This notice shall be served at least five hours before the time of meeting. The president, when present, shall preside at all meetings of the board and shall have a vote on all questions. In his absence one of the trustees may be chosen president for the time being. A majority of the board shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day and compel the attendance of the absent member. The vote upon any question shall be taken by ayes and nays whenever required by the president or any trustee and shall be entered in the minutes of the board.
- Presiding officer.**
- Quorum.**
- Vote by ayes and nays.**
- Resolutions involving expenditure of money.** § 2. The board shall not pass any resolution involving the expenditure of money, except upon the vote of a majority of all the members of the board. The question on the final disposition of all matters involving the expenditure of money shall be taken by the ayes and nays and the same shall be entered on the minutes.
- Rules, etc.** § 3. The board of trustees shall determine the rules of its own proceedings and be the judges of the election and qualifications of its own members, to prescribe the duties of all the officers or persons by them elected or appointed to any place or office whatever, subject to the provisions of this act; and to remove all officers and persons by them appointed or elected, for any neglect of duty or misconduct, and to fix the amount of their compensation when the same is not otherwise provided by this act, and to revoke any license or permission given under this act.
- Removal for cause.**
- Revocation of licenses.**
- Witnesses, compelling attendance of, etc.** § 4. The presiding officer of the board of trustees, or of any committee thereof, shall have power to administer oaths to, and to compel the attendance and take the testimony of witnesses before them, in respect to any matter pending before or referred to them, by process to be issued by such presiding officer.
- Annual financial estimate.** § 5. The board of trustees shall annually prepare an estimate of the moneys which they deem necessary to be raised by tax for the ensuing year, specifying by items the several purposes and the amounts required for each; which estimate shall be published at least ten days before the annual village election, in the official paper of said village.
- Control of finances and property.** § 6. The board of trustees shall have the management and control of the finances and of all the property, real and personal, belonging to said village; and charge of the auditing of bills and accounts against the village, and no account, claim or claims, shall be paid unless allowed by them, or after judgment obtained thereon. When an account or claim shall be audited by them, the trustees auditing the same shall cause to be indorsed thereon, or annexed thereto, a certificate, signed by the president, and countersigned by the clerk of the village, of such auditing, and allowing or disallowing the same, in
- Audit of claims.**

which the sum allowed, and the fund out of which the same is to be paid, shall be specified.

§ 7. No such account or claim shall be allowed by the trustees unless it shall be made out in items and accompanied by the affidavit of the person claiming to have rendered the services or furnished the materials, or made the disbursements therein charged, and the items of such account or claim are correct as to the service, material and disbursements mentioned, that such service and materials were rendered and furnished and disbursements made for the corporation, and no part of such claim has been paid; the claimant may be examined on oath by the trustees in relation to said claim and the items thereof. Nothing herein shall be construed as preventing the trustees from disallowing any account or claim, in whole or in part, when so made out and verified, nor from requiring other or further evidence of the correctness and reasonableness thereof.

Claims, how made out and verified.

Claimant may be examined.

Proviso.

§ 8. It shall be the duty of the board of trustees to designate and appoint annually in May, by resolution, an official paper of the board in which an abstract of the official proceedings of the board and all notices and advertising required by the charter to be published shall be printed. If such advertising cannot be obtained for one hundred and fifty dollars per annum, in a newspaper qualified as hereinafter stated, an opportunity shall be given to each of the publishers of the newspapers, the whole or a part of whose papers have been actually printed in the village of Bath-on-the-Hudson, or the village of Greenbush for the preceding year, to put in proposals for doing the said village printing and advertising, and it shall be the duty of the board of trustees to designate and appoint as the official paper the public newspaper, printed as above expressed, whose publisher shall offer to do the work for the lowest price per folio; the trustees may, if in their judgment the public interest demand it, require bonds for the faithful performance of the work.

Official paper, designation of, etc.

Bonds.

§ 9. The trustees shall have power as to acts and matters within the corporate bounds to make, modify, continue, establish, publish, amend and repeal rules, ordinances and by-laws for the following purposes:

Ordinances and by-laws.

1. To prevent vice and immorality, to preserve peace and good order, and to prevent and to quell riots or disorderly assemblages.

Prevention of vice, etc.

2. To restrain and suppress disorderly and gaming houses, all instruments and devices used for gaming, houses of ill-fame, bowling alleys, billiard tables and pistol galleries; to prohibit all gaming and the selling of intoxicating liquors contrary to law, and to regulate and fix the closing of saloons and places where intoxicating liquors are sold.

Disorderly houses, gaming, etc.

Sale of liquors.

3. To license, regulate and prohibit exhibitions, circuses, or other performances for money; and to regulate parades, exhibitions and the parading and playing of bands of music upon the streets and public grounds within said village.

Exhibitions, parades, etc.

4. To regulate or prohibit the ringing of bells, blowing of horns, firing of guns, pistols, powder or other explosive substance, and the making of any improper noises within said village; swimming or bathing in the waters within said village; and the racing or immoderate driving of horses, rolling hoops, playing ball, coasting, or the using of bicycles, tricycles and velocipedes in or upon the streets of said village.

Improper noises.

Bathing.

Horse-racing, bicycling, etc.

5. To regulate the sale of meat, fish and vegetables within the village; to regulate and prohibit the erection, keeping or using of

Sale of meat, etc.

- Slaughter-houses, etc.** slaughter-houses or pig-sties, or the keeping of swine within said village; to prohibit the bringing into, or depositing within said village of any dead carcass, or other unwholesome or offensive substance; to prohibit the deposit of garbage, ashes or other unwholesome substances in the streets of the village; to determine the existence and direct the removal or abatement of public nuisance, or substances likely to become such; and to collect the expense of such removal or abatement of the person erecting, suffering or maintaining the same, either by civil action, by a fine not exceeding thirty dollars, or by imprisonment in the Rensselaer county jail not exceeding one day for each dollar of such fine, or in the same manner as village taxes are collected.
- Abatement of nuisances.** 6. To take such measures as are necessary to prevent the entrance or the spread of any pestilential or infectious diseases in said village.
- Dogs.** 7. To make regulations for taxing and confining dogs and preventing the same running at large, and for destroying such as may be found running at large contrary to any ordinance.
- Public pound and keeper.** 8. To establish and maintain a public pound and appoint a keeper thereof and to regulate his compensation and fees the same as fixed by the Revised Statutes.
- Running at large of animals.** 9. To restrain the running at large of cattle, sheep, horses, swine, geese or other animals, and to authorize the distraining, impounding and sale of the same for the penalty and costs of keeping and proceeding.
- Disorderly persons, etc.** 10. To restrain and punish vagrants, beggars, disorderly or drunken persons and common prostitutes.
- Abuse of animals.** 11. To prohibit the abuse of animals; to compel the hitching of animals while standing in the street; and to prevent animals being hitched or fastened in the streets of said village for an unreasonable time.
- Policemen.** 12. To regulate the powers, duties, numbers and compensation of the policemen of said village and to maintain a lock-up or designate a place for the detention of persons arrested under this act, or under any by-law, rule or ordinance, and to confine such persons therein.
- Lock-up.** 13. To prohibit, license or regulate the hawking or auctioneering of goods, wares and merchandise, or property of any kind in or upon the streets sidewalks and public grounds of said village, except sales made under any judgment, execution or authority conferred by statute, or in satisfaction of specific liens.
- Hawking and auctioneering.** 14. To make, regulate, repair and guard public reservoirs, aqueducts, pumps, wells, hydrants, fountains, watering and drinking places; to provide for supplying the village and the fire department with water, and to make regulations concerning the use of the same.
- Reservoirs, hydrants, etc.** 15. To purchase, hold, sell, convey and agree to purchase and convey real estate, subject to the adoption of a resolution to that effect by the electors of the village qualified to vote on such propositions as herein provided and voting by ballot at any annual or special election.
- Purchase of real estate.** 16. To regulate and control all existing public cemeteries, and to provide for the establishment of new ones, and to prevent all interments within the bounds of the incorporation, except in such cemeteries.
- Ceme-teries.** § 10. The board of trustees shall have power and may adopt, repeal, modify, alter or change any resolution to carry into effect the following purposes:
- Resolutions.** 1. To appoint a village attorney or employ counsel when the business
- Appoint-**

of the board of trustees or village requires either by the year or otherwise, and to pay him a reasonable compensation.

2. To fix the amount and decide upon the sufficiency of the sureties in the official bond of the collector, treasurer and other officers who are required by this act, the general laws, or the board of trustees to give a bond, and to require additional security from any officer and to suspend him until it is given.

3. To call special elections whenever it may be deemed necessary; notice thereof shall be given as is required for the annual village election and in addition to the published notice, the clerk shall post notices in six public places in the village, and all notices of special elections shall state the object of the election and a copy of all resolutions to be voted on thereat. The same provisions shall apply to such elections as are provided in this act for the annual village election.

4. To require any officer of the village to furnish reports, information or estimates whenever deemed proper.

5. To do all such acts and make all such ordinances as shall be necessary to carry into effect any general power, or discharge any duty conferred or imposed by this act, although such acts or ordinances may not be specially enumerated herein.

§ 11. The board of trustees shall have power to enforce observance of all provisions of this act and may enforce observance of its ordinances and by-laws, passed in pursuance of any power conferred by this act:

1. By ordaining therein penalties for each and every violation thereof, not exceeding one hundred dollars for any one offense, to be recovered in a civil action as herein provided.

§ 12. Every ordinance, by-law, rule, order, regulation or resolution, passed and adopted by said board of trustees, shall be entered in the minutes of the proceedings of said board, and all ordinances shall be published in the official newspaper of said village, designated by the board of trustees, for two weeks successively, once in each week, before the same shall take effect; and an affidavit of such publication shall be made by the printer or publisher, or foreman in the office of the printer of such newspaper and filed in the office of the village clerk; except that the same shall take effect immediately as against any person or persons, firm or corporation, who may be personally served with a copy thereof, certified by the village clerk, under the corporate seal of said village, with an indorsement or notice showing the date of its passage and entry in the minutes of the proceedings of said board. Every ordinance, by-law, order, rule or regulation, passed or adopted by the board of trustees, may be read in evidence in all courts and in all proceedings before any officer, body or board in which it shall be necessary to refer thereto, either from a copy certified by the clerk, with the corporate seal affixed, with his certificate of the adoption and entry of the same in the minutes of the proceedings of said board, with the date of such adoption and entry, and also certifying to the fact of the publication of service thereof; or from the volume of ordinances printed by authority of the board of trustees; and such volume, containing the printed certificate of the president and village clerk that the same was printed by authority of the board of trustees of said village, shall be presumptive evidence of its contents.

§ 13. The board of trustees shall have power to provide a suitable place for holding their meetings, and proper receptacles and books for the clerk to preserve the records and papers of the corporation.

§ 14. The trustees shall have power to raise, by assessment and tax, Powers to

ing attorney or counsel.

Fixing the amount of sureties, etc.

Calling special elections.

Notices.

Reports of officers.

General powers.

Enforcement of ordinances, etc.

Penalties.

Ordinances, etc., record and publication of.

How read in evidence.

raise money by tax.

For contingent expenses.

Lighting streets, etc.

Expenses of board of health.

Misappropriation of funds.

Extraordinary expenditures, resolutions for. Submission of to electors.

Form of ballot.

Notice of elections.

Elections, how conducted.

May raise amount voted.

Anticipation of tax.

Liability of officers for creating debt, etc.

moneys for the expenditures required by the provisions of this act and the proceedings had thereunder, for the following purposes:

1. A sum sufficient to pay the contingent or ordinary expenses of said village, including printing, stationery, expenses of litigations, rents, repairs, fire department, streets, crosswalks, salaries, not exceeding two thousand five hundred dollars.

2. A sum sufficient to pay the current expenses of lighting the streets and public buildings of said village, not exceeding one thousand dollars.

3. A sum sufficient to pay the expenses of the board of health, not exceeding two hundred and fifty dollars; but the aggregate sum of the above items shall not exceed the sum of three thousand seven hundred and fifty dollars.

§ 15. It shall be unlawful to appropriate any moneys raised for any prescribed purpose, except the contingent fund, to any other purpose than that for which it is raised.

§ 16. When extraordinary expenditures shall be necessary in the judgment of the trustees, they shall have power to pass a resolution or resolutions, to be entered in the records of their proceedings, specifying the object and the amount required. No resolution shall express more than one object and the amount required for the same. If more than one such resolution is submitted at the same election, whether an annual or special election, such resolutions shall be numbered respectively "one," "two," "three," up to the number of resolutions submitted, and the ballots used at such election shall be as many as the resolutions submitted and having thereon the words "resolution number one," or "resolution number two," or "resolution number three," up to the number of resolutions, with the word "yes" or the word "no." Ten days' notice of such elections, whether an annual or special election shall be given by the clerk, by posting notices in ten public places, and publishing in the official paper of the village once a week for two weeks successively, stating time and place and object of election, and a copy of the resolution or resolutions. The same inspectors shall preside at, and the same provisions apply to, such elections as are provided for in this act for all village elections. If the majority of the ballots cast have thereon the word "yes" for any resolution, such resolution shall be adopted.

When the raising of any money for a special purpose, as an extraordinary expenditure, as provided in this act, has been voted, the board of trustees shall have power to raise the amount voted by an assessment and tax, and the amount may be borrowed or a liability by contract for the special purpose may be incurred, not exceeding the expense ordered, until the amount can be raised by a tax as herein provided.

§ 17. Any officer or person who shall assume to create a liability or appropriate any money or property of the village, contrary to the provisions of this act, or shall assent thereunto, shall be personally liable for such debt or liability to said village, for such money or property, and each of the trustees present, when such violation shall have been committed, shall be deemed to have assented thereto, unless he shall express his dissent and the same be entered on the record of the proceedings. Any violation of this section shall also be a misdemeanor.

ASSESSMENT AND COLLECTION OF TAXES.

Assessment-roll.

SECTION 1. It shall be the duty of the village assessor, on or before April first in each year, to prepare an assessment-roll, (but

in the year eighteen hundred and ninety-one such roll may be prepared before July first,) in the same form and manner prescribed by law for town assessment-rolls, as near as may be. The real estate assessed shall be briefly described by street and number when practicable, and the lands of non-residents, if any there be, shall be assessed in the same manner as the lands of residents. Such roll, when completed, verified and certified, shall be filed with the village clerk, and a duplicate thereof shall be filed with the village treasurer, and said roll shall remain with such clerk for a period of fifteen days for public inspection. The assessors shall forthwith cause to be posted in six or more public places and published in the official paper of said village a notice of the completion and filing of said roll, and of the time, not more than fifteen days thereafter, and of the place where they, with the president and board of trustees as a board of grievance, will meet for the purpose of revising and correcting said roll. Upon such hearing, the board of grievance may compel the attendance and take the testimony of witnesses by process to be issued by the president of said village, to be enforced in the same manner as processes against witnesses in criminal cases.

Filing thereof.

Notice of meeting to hear grievances, etc.

Witnesses.

§ 2. The board of trustees and village assessor shall form and constitute a board to hear grievances in reference to assessments, and shall hold a meeting within fifteen days after the tax or assessment is made and advertised by the assessor, and shall have power to examine under oath, to be administered by the presiding officer of said board, any person in relation to grievances they may present, and may, by a majority vote of said board, change, alter, amend or revise any assessment made by the assessor. The president and clerk of the village shall act as president and clerk of said board of grievance. In case of their absence the board shall appoint one of its members to act in either of such places. The clerk shall keep a record of all grievances presented, in a book provided for that purpose. After the approval of the assessment-roll by the board of grievance, a certificate shall be attached to the same, signed by the president and clerk, certifying the same has been approved by the board of grievance. The assessment-roll shall then be filed with the village clerk, where the same shall remain for twenty days for inspection.

Board of grievance.

Their powers.

President and clerk thereof.

Approval of roll.

§ 3. The board of trustees shall, after said assessment-roll is finally completed and verified, levy and assess the village tax, as herein authorized. They shall rate and apportion the same, or cause the same to be rated and apportioned among and upon the owners or occupants of real and personal property, incorporated companies and associations, and lands of non-residents in said village, in just proportion, according to the last revised assessment-roll, in the same manner, as near as practicable, as county taxes are by law assessed by the board of supervisors of the several counties of this state; and they shall be invested with the same powers, as far as consistent with the provisions of this act, as such boards of supervisors have in relation to the apportionment of taxes. They shall extend such tax or cause the same to be extended, on the said last completed assessment-roll, or a duplicate thereof. They shall include in said tax the village expenses as herein provided, and in appropriate separate columns such special taxes for extraordinary purposes as shall have been voted; also all necessary and proper assessments for special purposes and local improvements as are at that time ready to be collected (but this section shall not be construed to prevent a special assessment and tax-roll whenever necessary). The tax-roll, when perfected and finally completed, shall be filed with the

Village tax, how levied and assessed.

Complete roll to be filed.

Lien upon real estate.	village clerk on or before the first day of June in each year. And when so perfected completed and filed shall be a lien upon the real estate described therein to the amount of the several taxes and assessments therein contained, and such lien shall have priority over all other liens and incumbrances. When the tax-roll shall be so filed with the village clerk, a warrant shall be annexed thereto under the hands of the president and clerk of the village, and the seal of the corporation, similar in form to the one prescribed by law for the collection of town and county taxes, with the same rate per centum, specifying therein within what time the same shall be returned, and said tax-roll and warrant shall be forthwith delivered to the village collector. At the time of the delivery to him of any such roll and warrant, the collector shall deposit with the village clerk a receipt acknowledging the reception by him of the original roll and warrant as village collector. Immediately upon the delivery of the roll and warrant to the village collector, the collector shall publish a notice thereof in the official newspaper of said village, and shall also post notices in five public and conspicuous places in said village, designating some convenient place within the village for receiving payment of taxes for thirty days next after a day in said notice, to be specified, and any person may pay his taxes at the time and place so designated on paying one per centum fees thereon, within the said thirty days, and the collector shall not receive over one per centum for collecting and receiving any taxes within said thirty days. But said collector shall be entitled to receive one per centum fees on every amount of tax under one dollar paid in or collected within said thirty days. Upon all taxes collected after said thirty days such collector shall be entitled to collect and receive five per centum for his fees. The collector shall proceed to collect the unpaid taxes in the said roll specified, in the manner provided by law, for town collectors of town and county taxes, and shall have and possess all the powers and authority conferred by law on the collectors of town and county taxes; and shall in like manner pay over all moneys collected by him to the village treasurer, and take his receipt therefor, and make return to the village clerk of the amount collected and paid over by him, and of the taxes remaining unpaid; and by making oath before the clerk similar in all respects to the oath required by law of collectors of county taxes, he shall be credited by the village clerk with the amounts so remaining due and unpaid. The collector shall also deposit all moneys in his hands with the village treasurer, from time to time, as the board of trustees shall direct. But no such settlement or any settlement had by the board of trustees, nor by any village officer with any collector of any tax or assessment, shall be final or conclusive; and no bond or other security given by any collector shall be invalidated by or canceled on any such settlement, but shall remain in full force, and shall be held for one year thereafter by the village. And if any such collector shall fail to return any warrant issued to him as therein required, or shall fail to pay over to said treasurer all moneys collected or received by him, or shall fail to make a full and true account thereof, the supreme court or any justice thereof, shall have jurisdiction on proof by affidavit or otherwise, summarily to enforce such return, payment or accounting, or all of them as the case may be, by attachment and proceedings thereon in the same manner as if such collector was a sheriff or officer of that court, and if any such collector shall neglect or refuse to pay over any money collected by him, he shall be deemed guilty of a misdemeanor. The board of trustees may renew, from time to time, any
Warrant for collection of taxes.	
Receipt for roll and warrant.	
Notice of receiving payment of taxes.	
Collector's fees.	
Collection of unpaid taxes.	
Powers and duties of collector.	
Deposit of moneys.	
Settlement of account.	
Failure to return warrant, pay over collections, etc.	
Renewal	

warrant issued for the collection of any tax or assessment, whenever ~~any tax~~ or assessment shall be returned uncollected, or issue a new warrant for the collection thereof, and in such renewal or warrant specify the time when the ~~same shall~~ be returned and direct the collection of the interest on such taxes or assessments ~~as the same is given~~ to the village by this act, and the same proceeding shall be had thereon as upon the first warrant.

of war-
rants.

§ 4. Whenever any assessment-roll for local or general improvements shall be left with the tax collector, he shall forthwith give notice in the official newspaper of said village, and within five days from the date of the notice so published, he shall cause a written or printed notice to be given to every person, owner, occupant or agent of real estate assessed for such improvement, within the village, from whom an assessment may be due, specifying the amount, and for what purpose the assessment was made, and when payable. Such notice may be served personally, or by leaving the same at the residence or place of business of such person, owner or occupant, or agent, or it may be served by depositing it in the post-office, properly folded and directed to such owner, occupant or agent, and with the postage prepaid thereon, stating that an assessment-roll for a local or general improvement has been left with him for collection, and that he will receive the assessment thereon for twenty-five days thereafter at one per centum, and for the time remaining until the expiration of the warrant at five per centum. But any failure to give such notice shall not invalidate such assessment, but it shall be unlawful for the collector to collect more than one per centum of fees if such notice is not given.

Assess-
ments for
improve-
ments,
notices of.

Notice,
how served,
etc.

Failure to
give notice.

§ 5. It shall be the duty of the village assessor to complete the assessment-roll for all improvements ordered made by the board of trustees within thirty days after the acceptance of any work and the levying of the amount by the board of trustees; and the time for the collection of such taxes or assessments shall be limited to ninety days; and the president shall not be allowed to issue his warrant for the payment of any contract for such improvements within thirty days from the time of the completion of the assessment-roll.

Comple-
tion of
roll

Time for
collection.

Warrants
for con-
tracts.

§ 6. Every assessment made by the person acting as assessor of said village shall be and remain a lien on the lots or lands assessed, in the same manner and to the same effect as to town and county taxes, from the time of filing the assessment-roll as herein directed, until paid or otherwise satisfied.

Asses-
ments liens
on lands.

§ 7. Assessments imposed or sums directed to be raised by the trustees for the costs and expenses of laying down, making or repairing, improving and opening drains, sewers and catch basins, and for outlets thereto, whether for general or local purposes, shall be laid or assessed, and distributed or proportioned by the assessor as follows; those which the trustees shall declare to be local shall be assessed by said assessor upon the lots upon, along or in front of which said sewer or drain shall be made, laid, opened or improved, and also upon the adjoining and abutting lots, the surface water or drainage of which shall or may empty into such drain or sewer, in a just proportion, as near as may be, to the benefits which each person so taxed or assessed and the lot or lots owned or occupied by him shall be deemed to receive from such drain or sewer. The said assessment shall be made as other taxes and assessments hereinbefore provided.

Expenses
for drains,
sewers,
etc. how
assessed
and apportioned.

§ 8. Any sum imposed by said trustees, or directed by them to be raised for a specific work or improvement, except drains or sewers, which they shall judge and declare to be local, shall be assessed by the

Sums for
specific
local im-
prove-

notice
to be
assessed.

assessor upon and among the lots and lands upon, along or in front of which such work shall be done or improvements made, and upon the owners or occupants of said lots in said village in respect thereof, and said assessment shall be so made as that the lots upon, along or in front of which such work shall be done or improvements made, and the owners or occupants in respect thereof, shall be subject thereto, and shall pay the proportion of said sum so directed to be raised, which shall be incurred or expended upon or in front of said lots respectively.

if
of
paying,
how
assessed.

§ 9. Whenever the work shall be the paving with stone or other suitable material of any street, highway or public ground of said village, and the said work shall have been fully completed in conformity to the plans and specifications, and same shall have been duly accepted by the board of trustees, that body shall forthwith direct the assessor to proceed and assess the entire cost of such work upon the property fronting on said street, highway or public ground, in the proportion in which each owner's feet frontage shall bear to the entire number of feet paved. Said assessment, when completed, shall go to the board of grievance and be acted upon by that board in the manner prescribed in this act as to all other assessments imposed.

New
assess-
ments or
apportion-
ments.

§ 10. In case any assessment or apportionment heretofore or hereafter made, for the work described in this act, or made for any work done under any law or ordinance duly passed by the board of trustees shall have been, or shall be, set aside by any court of this state having competent jurisdiction, or shall fail, or shall have failed from any irregularity whatever, it shall be lawful for said board or* trustees to cause a new assessment or apportionment including the interest and expenses on the former assessment or apportionment, to be made by said assessor, to be levied and collected; and such new assessment or apportionment shall have the same force and effect as if no former assessment or apportionment had been made.

Sale of
lots for un-
paid taxes
or assess-
ments.

Notice of
sale.

Payment
of tax
previous
to adver-
tisement.

Manner of
sale.

§ 11. Whenever any tax or assessment-roll shall be returned by the collector to the clerk of said village remaining unpaid, the board of trustees shall direct the clerk of said village to advertise and sell such lot or lots against which such taxes or assessment remain unpaid, for a term of time for the payment of such tax or assessment, with interest at twelve per centum per annum, giving thirty days' notice of such sale by posting six notices and published in the official newspapers designated by the board, once in each week for five weeks successively, immediately preceding such sale, and serving personal notice on the owner or occupant of such estate or his agent, if a resident of the village, or by depositing the same in the post-office, directed to such owner or occupant at his place of residence or the nearest post-office thereunto, if known; and if after the return by the collector of any tax as unpaid any one shall, previous to its being advertised tender payment of same to the clerk of the village, it shall be unlawful for such clerk to receive such tax without collecting in addition thereto from the party so paying the sum of five per centum additional upon the amount of tax, which tax and additional sum if collected shall be paid over forthwith to the village treasurer. Upon such sale such property shall be sold to the person who shall offer to take the same for the shortest term for the payment of such tax or assessment, with interest at the rate aforesaid, and the expenses of such notice and sale not exceeding for advertising the rates established by law. The trustees shall thereupon, on the payment thereof by such purchaser, deliver to him a certificate of such sale signed by

* So in the original.

the president and countersigned by the clerk, with the corporate seal affixed thereto ; but in case there are no other purchasers at such sale, it shall be the duty of the president of the village, or in his absence any member of the board of trustees, to purchase for the village all such property as may be offered for sale at such sale, and the same shall be paid for out of any moneys in the village treasury. The certificate therefor shall be issued to the village of Bath-on-the-Hudson, which said certificate may at any time be sold or assigned by direction of the board of trustees, the money arising therefrom to be paid to the village treasurer immediately after such sale or transfer. If said certificates are not sold or assigned within the time allowed for redemption, it shall then be lawful for the treasurer to convey such land to "the village of Bath-on-the-Hudson," in the same manner and with like effect as if conveyed to individual purchasers.

Purchase
of property
for village.

Convey-
ances.

§ 12. The assessor shall not assess for village purposes any property to which the village has obtained full title.

Village
property.

§ 13. The board of trustees shall have power, and are authorized and directed to pay all taxes, assessed upon property for village purposes, that may be nearly or quite valueless as shown by the assessment-rolls of the village.

Taxes,
trustees to
pay cer-
tain.

§ 14. The village treasurer shall, at least six and not more than eight months before the expiration of the time allowed for redemption of lands sold for taxes or assessments, prepare and publish as to such village a notice similar to that required to be prepared by the comptroller of the state of New York under the general law, specifying particularly every parcel remaining unredeemed, and the amount necessary to redeem the same, calculated to the day on which said redemption can be made, and stating that unless such lands are redeemed by a certain day they will be conveyed to the purchaser, and he shall cause such notice to be published once in each week for five weeks successively in the official newspaper of the village, the expense thereof to be charged pro rata upon said several parcels and collected therefrom when conveyed or redeemed. If such real estate or any portion thereof be not redeemed as herein provided the said village president shall execute to the purchaser, his heirs or assigns, a conveyance of the real estate so sold, which said conveyance shall be countersigned by the village clerk, with the corporate seal affixed thereunto. The execution of such conveyance shall be proven or acknowledged as deeds and be recorded in like manner and with like effect as other conveyances of land. Said conveyances shall vest in the grantee an absolute estate for the term of years mentioned in his certificate, subject however, to the liens of any assessment for improvements made by the village of Bath-on-the-Hudson, and to all claims which the people of this state may have thereon for taxes or other liens or incumbrances. When such conveyances are executed, the certificate of sale upon which said conveyances are made shall be returned to the village treasurer, who shall file said certificates in his office as vouchers for conveyances executed and delivered.

Notice of
redemp-
tion.

Convey-
ance to
purchaser.

Return of
certificates
of sale.

§ 15. If the owner or occupant of such real estate or property, his heirs or assigns, shall not, within two years after such sale, pay or tender to the purchaser, or his legal representative, or to the treasurer of the village, the amount so paid by him, with interest, as herein-before mentioned, such purchaser or his legal representative may, immediately after the expiration of two years, enter into the possession of such real estate; and hold and occupy and enjoy the same during the term for which it was sold; and the said president's conveyance, duly proved and acknowledged, shall be presumptive evidence of the

Possession
of prop-
erty, when
obtained.

Convey-
ance,
evidence.

right of said purchaser, after said two years, to receive possession thereof.

Record of sales.

Payment of proceeds to treasurer.

Property omitted from roll, etc., how taxed and assessed.

§ 16. It shall be the duty of the clerk, in all cases of sale, to make an entry of the same in the records of said board, with the description of the property sold, the length of the term or time, and the name of the purchaser, and to return a copy of said sale, and all moneys, the proceeds of such sale, except the fees of the clerk for selling (which said fees shall be and are hereby fixed at the sum of fifty cents for each and every lot or street number sold) to the treasurer of the village of Bath-on-the Hudson.

§ 17. Whenever it shall appear to the assessor of said village that any land or property of any kind, legally liable to taxation in said village, has been omitted, stricken, erased or taken from the assessment-roll of said village of the next preceding year, it shall be the duty of said assessor to assess and enter the said land or property in the assessment-roll of the current year at its value the said preceding year, as may be determined by said assessor, in which said land, property or tax was omitted, stricken, erased or taken from said roll, in a separate column from the valuation of the current year. The board of grievance shall enter and insert the same in the assessment-roll of the current year, or cause it to be done, and shall proceed to levy a tax on the same at the rate per centum of the tax imposed upon such property in said village in said preceding year.

POWERS AND DUTIES OF VILLAGE OFFICERS.

Village president, his powers and duties.

Power to suppress riots, etc.

Annual financial report.

Peace officer.

SECTION 1. The president of said village shall be the chief executive officer thereof. It shall be his duty to see that the laws of the state applicable to said village, especially this act, and the village by-laws and ordinances adopted in pursuance thereof are faithfully and impartially executed; to institute prosecutions in the corporate name for violations thereof and civil actions for the recovery of the penalties and forfeitures provided therein; to exercise supervision over the conduct of subordinate officers; to execute all deeds, leases and contracts to be executed as the act of the village under the corporate seal; to sign all papers necessary in transacting the business affairs of said village with or without the corporate seal. He shall be the head of the police force, and shall have power and it shall be his duty to suppress all riots, disperse all tumultuous assemblages and all assemblies to which speeches are being made of a character liable to excite riots, breaches of the peace, or violent and unlawful conduct, or by which the same shall be counseled. For this purpose he shall have the same power and authority as a sheriff and may command and compel assistance in like manner, and each person neglecting or refusing such assistance shall forfeit to the village a sum not exceeding twenty-five dollars for each offense. He shall prepare and file with the village clerk at least ten days prior to each annual election a report of the financial transactions of the village for the previous year showing the items of the receipts and disbursements, and stating the indebtedness of the village and for what contracted; which report shall be published either by hand-bill or in the official newspaper of said village, as the trustees may direct, at least ten days before the annual village meeting. If the president shall be unable to perform the duties of his office, the board of trustees shall appoint one of their number, who shall be clothed with all the powers and perform all the duties of the president of the village, until the president shall resume his office or be filled according to law.

§ 2. The president and trustees shall receive no salary for service rendered or duties performed under this act, in their capacity as such president and trustees.

No salary for president and trustees.

§ 3. It shall be the duty of the assessor to prepare an assessment-roll of the persons and property subject to taxation in said village, at the times and in the manner hereinbefore provided; and such assessor shall possess the same powers and perform the duties of the office in the same manner as town assessors, except that he shall not have power to change or alter assessments, but shall have the same rights as the trustees while acting as members of the board of grievance. The compensation allowed said assessor shall be fixed by the board of trustees, not exceeding the sum of seventy-five dollars.

Assessor, his powers and duties.

§ 4. The collector of said village shall perform the duties and be subject to the liabilities and obligations prescribed by law for collectors in towns of this state except as otherwise herein prescribed. He shall collect all taxes to be collected for the use of the corporation, and shall receive the same fees therefor as are provided by law for the collectors of town and county taxes. He shall give to each person paying him any tax a receipt therefor, containing a brief description of the property taxed and specifying the assessed value thereof, the rate and the amount of the tax.

Collector, his duties and liabilities.

§ 5. The inspectors of election of said village shall have the same powers and perform the same duties, as near as may be, as inspectors of general elections under the laws of this state, and such other powers and duties as are prescribed in this act. They shall receive for their services as such inspectors of election three dollars each for each election at which they act.

Inspectors of election.

§ 6. The clerk shall have authority to administer the oath of office to all the officers elected or appointed under this act, and shall have the same power to administer oaths, and take affidavits and acknowledgments within said village that justices of the peace have, for the purposes of the village or for any officer or agent acting for the village, without any fee or charge therefor. He shall act as clerk of the board of trustees, board of grievance and keep a record of their doings. He shall countersign all orders drawn on the village treasurer, and all licenses granted by the board of trustees and keep a record thereof; he shall keep an accurate account of all orders drawn on the treasurer, in a book to be provided for that purpose, and upon what fund such orders shall have been drawn; he shall, within ten days after the passage of any by-laws, rules, regulations, orders, or ordinances, cause the same to be published or served, or posted as in this act directed. The

Village clerk, his powers and duties.

Salary. clerk shall receive an annual salary of such amount as may be fixed by the board of trustees, not exceeding one hundred dollars. When certified copies of papers or records are required by any person or party, except the village, he shall be entitled to six cents a folio therefor, if required to make or write the copies himself, but any other person shall have the right to take copies of any records or papers of the corporation. He shall preserve and take charge of the corporate seal, books, papers and documents of the village, except as herein otherwise provided. He shall notify all persons, in writing, of their election or appointment to any office within said village, within five days after their election or appointment, and perform such other duties as the board of trustees may, from time to time, prescribe. He shall at all reasonable times, on demand of any inhabitant of said village, produce for inspection the books, records and papers of his office, copies, printed or written, of all papers duly filed in his office, and

Fees for copies of records, etc.

Other duties.

Transcripts certified by clerk, evidence.

transcripts thereof, and of the records of proceedings of the board of trustees, and copies of the ordinances of the village, duly certified by the clerk, shall be evidence in all courts and places with like effect as originals would have if produced.

Treasurer, his duties.

§ 7. The treasurer shall be the chief fiscal officer of said village. He shall receive all moneys belonging to said village and pay out the same upon warrants signed by the presiding officer of the board of trustees countersigned by the clerk, and specifying the purposes for which such moneys are paid. He shall keep an accurate account of all receipts and expenditures in such manner as the board of trustees shall direct, and showing the fund to which each item is credited and the fund from which each item is paid, which account shall be open to inspection by any inhabitant of the village at all reasonable hours. He shall furnish such reports and perform such other duties as the board of trustees may require; and he shall give a bond in two or more sureties for the faithful discharge of his duties and the payment over to his successor of all moneys remaining in his hands. The treasurer shall exhibit to the board of trustees at least fifteen days before the annual election in each year, a full account of all the receipts and expenditures after the date of the last annual report, and also the state of the treasury which account shall be filed in the office of the clerk. He shall receive a compensation to be fixed by the board of trustees not exceeding one hundred dollars.

Bond.

Annual report.

Compensation.

Street commissioner, his duties.

§ 8. The street commissioner shall have, under the direction and control of the board of trustees, the immediate supervision and charge of the public grounds, highways, streets, lanes, alleys, walks, culverts, sewers, wells and property of said village; shall have charge of the construction, improvements and repairs thereto, and the labor performed thereon; shall serve all notices required by the board of trustees; shall hire and employ the requisite laborers and direct them as to the time and manner of the execution of their work, and certify to the board of trustees at its regular meetings, or as often as required, all persons who shall have been so employed. It shall be his duty to arrest any or all persons whom he shall detect in violating any of the ordinances or by-laws adopted by the board of trustees. He shall in all things act under the direction of the said board, who may at all times limit, regulate and restrain him or those working under him in the performance of their duties. He shall receive as his compensation two dollars per day for each day's labor actually performed.

Compensation.

Janitor, his duties.

§ 9. It shall be the duty of the janitor to arrest any or all persons, except members of the fire department and village officers whom he shall detect in loitering in or around or marking, defacing or destroying any building or property owned or occupied by the village for any purpose, and perform such other duties as the board of trustees shall by ordinance define. He shall receive a salary not exceeding one hundred dollars per annum.

Salary.

Ex-officio policemen.

§ 10. The trustees, street commissioner and janitor shall be ex-officio policemen and shall have the same powers when acting as such to make arrests for violations of village ordinances and by-laws as are herein conferred upon policemen.

TITLE IV.

POWERS AND DUTIES OF POLICEMEN.

Policemen, their powers.

SECTION 1. Each policeman of the village shall have the following powers:

1. To exercise all the powers and authority that constables of the town of North Greenbush now have or hereafter shall have with regard to all criminal matters and all proceedings of a criminal nature and all civil actions brought to recover penalties as herein provided.

2. In exercising such authority to arrest without process all persons guilty of violating, in his presence, any village ordinance or by-law, the violation of which shall have been made a misdemeanor, and to take them before a justice of the peace having jurisdiction, to be dealt with according to law.

3. To serve and give such notices as the board of trustees may direct; and any return of a service subscribed by any policeman, indorsed upon or annexed to any process or notice shall be presumptive evidence of the service thereof.

§ 2. Each policeman shall perform the following duties:

1. To properly exercise the powers and authority hereby conferred upon him. Duties.

2. To perform such other duties as shall be designated by the board of trustees.

3. To see that the police regulations, by-laws and ordinances of the village are observed, and to discover and report to the president all violations thereof.

TITLE V.

HIGHWAYS AND STREETS.

SECTION 1. The board of trustees shall be commissioners of highways in and for said village, and shall have all the powers and perform all the duties of commissioners of highways in towns of this state, subject to the provisions of this act; they shall have power:

1. To lay out, make, open, grade, level, regulate, pave, macadamize, plank, gravel, clean, repair and improve highways, streets, lanes, alleys, public grounds, parks, sidewalks and gutters, and alter, amend, widen, straighten and discontinue the same, and to establish grades and levels therefor, and alter the same through any lands, buildings or inclosure in said village, subject to the provisions of law and of this act. Commissioners of highways.
Power to lay out and improve streets, etc.

2. To build, construct, regulate, maintain and control sewers, drains, outlets, catch-basins and crosswalks, to regulate the size and dimensions, and establish grades and levels for the same. Sewers, drains, etc.

3. To regulate, prevent and summarily remove all obstructions and incumbrances in or upon the streets, sidewalks, highways and public grounds in said village, and keep the same free from encroachment or injury by reason thereof. Obstructions upon streets, etc.

4. To require and compel the owners of buildings or lots on any street in said village, to make and maintain sidewalks of stone, plank or other proper material, and to grade and set curbstones in front of the premises so owned by them, and to regulate the grade, slope, dimensions and construction thereof. Whenever the board of trustees shall order any such work to be done, a copy of such order shall be served upon such owner by delivering it to him personally, or in case of his absence, by leaving it at his residence with some person of suitable age and discretion, or by leaving it with the persons occupying or in possession of such premises, or by posting it on such premises. An affidavit stating the time and manner of service of such order shall Sidewalks, may compel making of, etc.
Service of order upon owners.

Board
may cause
work to be
done.

Expense
thereof,
how collec-
ted.

Building
material,
staging,
etc.
Excava-
tions and
structures
upon
streets.

Removal of
structures
from
streets,
etc.

Snow, dirt,
etc.

Assess-
ment of
expense.

Lighting of
streets and
highways.

Trees,
planting,
protection,
etc., of.

Street
names and
numbers.

Acceptance
of streets.

Maps and
description
of streets,
sewers,
etc.

be made and filed with the clerk of said village, and such affidavit shall be presumptive evidence in all events and proceedings of the facts therein contained. If such owner shall not do such work or cause it to be done in the manner required by said order, within five days after the service thereof, when the work to be done is the repairing of sidewalks, or within thirty days when any other work is to be done, or within such further time as the board of trustees may allow, the said board shall cause such work to be done, and all expenses incurred in doing the same and interest thereon at six per centum may be collected of the owner of the premises, or in front of which such work shall have been done either by action against such owner, or by assessment in the same manner as other village taxes are collected, but no stone sidewalk shall be ordered laid except in accordance with the provisions herein-after set forth.

5. To regulate or prevent the deposit of building material, the erection of staging or other structures for repairing or building purposes; the moving of buildings; the making of excavations and the construction of fences, steps, stairways, doors, platforms, awnings, sign-posts, show-windows, swinging gates, and other structures in, upon, through, across or over the streets, sidewalks, and public grounds of said village.

6. To remove or compel the removal of such fences, steps, stairways, doors, platforms, awnings, sign-posts, show-windows, swinging-gates, and other structures as are in, over or upon the streets, sidewalks and public grounds of said village; to remove or compel the removal of snow, ice, dirt, ashes and other substances from the sidewalks, streets and gutters of said village, and to assess the expense of such removal upon the owners of the premises fronting, and to collect the same and interest thereon at six per centum either by action against such owner or with the next general village tax in the same manner as other village taxes are collected.

7. To provide for and regulate the lighting of the streets, highways, lanes and public grounds and buildings of said village, with oil, gas or electricity, or other suitable means, and the protection, and safety of the public lamps, lamp-posts, service pipes, wires, fixtures, machinery and appliances connected therewith.

8. To regulate the planting, trimming and protecting, and to order the removal of ornamental and shade trees in and along the streets and public grounds of said village; to prevent and punish the hitching of horses, teams or other animals to such trees and the breaking or injuring of such trees in any manner; and to regulate or prohibit the driving, riding or leading, of teams, horses, cattle, sheep or other animals, and the hauling or moving of heavy objects upon or across the sidewalks of said village.

9. To give names to the streets and numbers to the lots and tenements; to change the same; and to compel the owners of lots and tenements to mark and maintain such numbers conspicuously thereon.

10. To accept by resolution, of streets dedicated to the public by the owner or owners, and to have the same control and authority over such streets as over any street regularly laid out according to law or the provisions of this act. It shall also be the duty of the board of trustees to cause a map and description to be made of all the streets, highways, alleys, lanes, drains, sewers, public grounds and property in said village, heretofore laid out or which shall have been dedicated to the public or given to the village, or used by the public for twenty years, or which shall hereafter be laid out, altered, discontinued or dedicated;

which map shall be filed in the office of, and which description shall be recorded in a book kept by the village clerk, and which map and record shall be prima facie evidence of the facts therein stated in all actions and courts.

To be filed and recorded.

11. To regulate the use of sewers and the manner of connection with the same.

Sewers.

12. To require any turnpike, plank, railroad or other corporation or company to keep the street or highway through or over which its roads may pass in said village, and the gutters and drains thereof, in good condition and repair, to lay or relay such road according to the established grade of such street or highway, or such parts of the same as the said board of trustees prescribes and directs, and to remove all incumbrances or obstructions which such corporation or company may have placed or caused to be placed in or on any such streets or highways within such time as said board of trustees prescribes or directs, and in case such corporation or company shall refuse or neglect to do any of the acts so required, the said board of trustees shall have the power to cause the same to be done at the cost and expense of such corporation or company; and such cost and expense to be fixed and determined by said board of trustees, shall be assessed upon and collected from such corporation and company in the same manner as other assessments are herein provided to be levied, assessed and collected.

May require corporations to repair streets, etc.

Board may cause acts to be done.

Cost and expense, how collected.

§ 2. The said village shall be exempt from the jurisdiction and control of the commissioners of highways of the town of North Greenbush, and the said village is hereby declared a separate road district.

Separate road district.

§ 3. Whenever the improvement to be made under this act shall be the laying of a stone, brick or composition walk or the setting of curb-stones or paving a street, or the changing the grade of any street, no such work shall be done unless on written application of a majority in feet of the persons residing in said village, owning property on the line of such proposed improvements except that in changing the grade of any street, a majority in feet of all owners must petition, and two weeks' notice of the intention of the board of trustees to act on said matter shall be published in the official newspaper of the village. The grade of all streets shall be confirmed and a profile of said grade recorded in a book to be kept for that purpose, and no work shall be commenced on any street, lane or avenue until such grade or profile has been confirmed and recorded; but whenever the work authorized by the trustees in the grading of any street, the laying of any sidewalk or crosswalk, the laying of a sewer, the paving of any surface drain or gutter, building, catchbasin or the erection of a public building, the probable cost of which will exceed ten dollars, in any of the streets, lanes or avenues of said village, it shall be the duty of the trustees to advertise for sealed proposals for doing said work, and, in case the board of trustees shall award such work they shall in all cases, award such contract to the lowest responsible bidder, upon condition that the person or persons awarded the contract shall give to the trustees good and sufficient bonds, conditioned for the faithful performance of the contract according to the plans and specifications adopted by said trustees for such work; but the board of trustees may reject all proposals by a majority vote of the board, if they deem the price charged excessive, or for not conforming to the requirements of manner of proposing, or may reject any or all of such proposals, if the acceptance of such proposal would invalidate the collection of an assessment for the work.

Applications for street improvements.

Grade of streets.

Proposals for work, advertising for.

Award of contracts.

Rejection of proposals.

ments,
how
assessed.

assessor upon and among the lots and lands upon, along or in front of which such work shall be done or improvements made, and upon the owners or occupants of said lots in said village in respect thereof, and said assessment shall be so made as that the lots upon, along or in front of which such work shall be done or improvements made, and the owners or occupants in respect thereof, shall be subject thereto, and shall pay the proportion of said sum so directed to be raised, which shall be incurred or expended upon or in front of said lots respectively.

Cost of
street
paving,
how
assessed.

§ 9. Whenever the work shall be the paving with stone or other suitable material of any street, highway or public ground of said village, and the said work shall have been fully completed in conformity to the plans and specifications, and same shall have been duly accepted by the board of trustees, that body shall forthwith direct the assessor to proceed and assess the entire cost of such work upon the property fronting on said street, highway or public ground, in the proportion in which each owner's feet frontage shall bear to the entire number of feet paved. Said assessment, when completed, shall go to the board of grievance and be acted upon by that board in the manner prescribed in this act as to all other assessments imposed.

New
assess-
ments or
apportion-
ments.

§ 10. In case any assessment or apportionment heretofore or hereafter made, for the work described in this act, or made for any work done under any law or ordinance duly passed by the board of trustees shall have been, or shall be, set aside by any court of this state having competent jurisdiction, or shall fail, or shall have failed from any irregularity whatever, it shall be lawful for said board or* trustees to cause a new assessment or apportionment including the interest and expenses on the former assessment or apportionment, to be made by said assessor, to be levied and collected; and such new assessment or apportionment shall have the same force and effect as if no former assessment or apportionment had been made.

Sale of
lots for un-
paid taxes
or assess-
ments.

Notice of
sale.

Payment
of tax
previous
to adver-
tisement.

Manner of
sale.

Certificate
thereof.

§ 11. Whenever any tax or assessment-roll shall be returned by the collector to the clerk of said village remaining unpaid, the board of trustees shall direct the clerk of said village to advertise and sell such lot or lots against which such taxes or assessment remain unpaid, for a term of time for the payment of such tax or assessment, with interest at twelve per centum per annum, giving thirty days' notice of such sale by posting six notices and published in the official newspapers designated by the board, once in each week for five weeks successively, immediately preceding such sale, and serving personal notice on the owner or occupant of such estate or his agent, if a resident of the village, or by depositing the same in the post-office, directed to such owner or occupant at his place of residence or the nearest post-office thereunto, if known; and if after the return by the collector of any tax as unpaid any one shall, previous to its being advertised tender payment of same to the clerk of the village, it shall be unlawful for such clerk to receive such tax without collecting in addition thereto from the party so paying the sum of five per centum additional upon the amount of tax, which tax and additional sum if collected shall be paid over forthwith to the village treasurer. Upon such sale such property shall be sold to the person who shall offer to take the same for the shortest term for the payment of such tax or assessment, with interest at the rate aforesaid, and the expenses of such notice and sale not exceeding for advertising the rates established by law. The trustees shall thereupon, on the payment thereof by such purchaser, deliver to him a certificate of such sale signed by

* So in the original.

the president and countersigned by the clerk, with the corporate seal affixed thereto ; but in case there are no other purchasers at such sale, it shall be the duty of the president of the village, or in his absence any member of the board of trustees, to purchase for the village all such property as may be offered for sale at such sale, and the same shall be paid for out of any moneys in the village treasury. The certificate therefor shall be issued to the village of Bath-on-the-Hudson, which said certificate may at any time be sold or assigned by direction of the board of trustees, the money arising therefrom to be paid to the village treasurer immediately after such sale or transfer. If said certificates are not sold or assigned within the time allowed for redemption, it shall then be lawful for the treasurer to convey such land to "the village of Bath-on-the-Hudson," in the same manner and with like effect as if conveyed to individual purchasers.

Purchase
of property
for village.

Convey-
ances.

§ 12. The assessor shall not assess for village purposes any property to which the village has obtained full title.

Village
property.

§ 13. The board of trustees shall have power, and are authorized and directed to pay all taxes, assessed upon property for village purposes, that may be nearly or quite valueless as shown by the assessment-rolls of the village.

Taxes,
trustees to
pay cer-
tain.

§ 14. The village treasurer shall, at least six and not more than eight months before the expiration of the time allowed for redemption of lands sold for taxes or assessments, prepare and publish as to such village a notice similar to that required to be prepared by the comptroller of the state of New York under the general law, specifying particularly every parcel remaining unredeemed, and the amount necessary to redeem the same, calculated to the day on which said redemption can be made, and stating that unless such lands are redeemed by a certain day they will be conveyed to the purchaser, and he shall cause such notice to be published once in each week for five weeks successively in the official newspaper of the village, the expense thereof to be charged pro rata upon said several parcels and collected therefrom when conveyed or redeemed. If such real estate or any portion thereof be not redeemed as herein provided the said village president shall execute to the purchaser, his heirs or assigns, a conveyance of the real estate so sold, which said conveyance shall be countersigned by the village clerk, with the corporate seal affixed thereunto. The execution of such conveyance shall be proven or acknowledged as deeds and be recorded in like manner and with like effect as other conveyances of land. Said conveyances shall vest in the grantee an absolute estate for the term of years mentioned in his certificate, subject however, to the liens of any assessment for improvements made by the village of Bath-on-the-Hudson, and to all claims which the people of this state may have thereon for taxes or other liens or incumbrances. When such conveyances are executed, the certificate of sale upon which said conveyances are made shall be returned to the village treasurer, who shall file said certificates in his office as vouchers for conveyances executed and delivered.

Notice of
redemp-
tion.

Convey-
ance to
purchaser.

Return of
certificates
of sale.

§ 15. If the owner or occupant of such real estate or property, his heirs or assigns, shall not, within two years after such sale, pay or tender to the purchaser, or his legal representative, or to the treasurer of the village, the amount so paid by him, with interest, as herein-before mentioned, such purchaser or his legal representative may, immediately after the expiration of two years, enter into the possession of such real estate; and hold and occupy and enjoy the same during the term for which it was sold; and the said president's conveyance, duly proved and acknowledged, shall be presumptive evidence of the

Possession
of prop-
erty, when
obtained.

Convey-
ance,
evidence.

Officers of companies, how elected.

of such election, they shall order another election at such time and place as they may deem proper. The officers of the companies may be elected at such times and place as the constitution and by-laws of such companies may require, but such officers shall be subject to approval by the board of trustees.

Chief-engineer and assistants, powers and duties of.

§ 7. The chief engineer and his assistant engineers shall have the immediate control of the fire department and apparatus, subject to the regulations and requirements of the board of trustees. It shall be the duty of the chief engineer, and in his absence or inability, of the first assistant engineer, and in his absence or inability, of the second assistant engineer, to be present at fires within said village, to take command of the fire companies and general control of the apparatus for extinguishing and preventing such fires; and to perform such other duties and exercise such other powers as the board of trustees in their by-laws or ordinances may require or confer.

Suspension of officers and members.

§ 8. The president of the village or any two of the trustees, at any time upon charges being preferred, or upon finding any officer or member of the fire department guilty of misconduct, may suspend such officer or member from service until the board of trustees shall convene and take action in the matter; but no such officer or member shall remain so suspended for a longer period than twenty days without an opportunity of being heard in his defense. After such hearing the board of trustees may, by a majority vote, restore or remove such officer or member.

Removals.

Present officers and members.

§ 9. The officers and members of the present fire department of said village shall continue to be such officers and members subject to the provisions of this act. The name of each member of the fire department shall be registered with the village clerk by the secretary of the general fire department, to whom the officers of each company shall report the name of every member expelled from or who shall have died or resigned from such company, with the date of such death expulsion or resignation.

Registration of names, report of resignations, etc.

Powers of president and trustees at fires.

§ 10. The president of the village, the trustees, the policemen, the chief engineer and his assistants, and each of them, shall have power to keep away from the vicinity of any fire all idle or suspicious persons, and to compel all persons to aid in the extinguishment of fires and the preservation and protection of property exposed to danger thereat. For such purposes the chief engineer and his assistants shall have the powers conferred upon policemen by this act, and any person who shall disobey the reasonable order of any one of said officers shall incur a penalty of twenty-five dollars, to be recovered as other penalties imposed by this act.

Powers of policemen conferred on chief, etc.

Duties of members of department.

§ 11. It shall be the duty of the members of the fire department to turn out promptly upon every alarm of fire, to aid in the extinguishment thereof as directed by the chief engineer or assistant engineer; and whenever called upon by the president or trustees, to aid in the suppression of riots and riotous assemblages in said village. Any member or other person who shall during the time of any fire, neglect or refuse to obey the orders of the chief engineer or any assistant engineer, shall incur such penalty as the by-laws or ordinances of the board of trustees may provide, not exceeding five dollars for each offense. Every member of the fire department is hereby declared to be exempt from prosecution or indictment for any act done in the reasonable and proper discharge of his duties at riots and riotous assemblages.

Refusal to obey orders, penalty for.

Exemption from prosecution.

Exemption from jury

§ 12. The members of the fire department of said village shall, during the time of their active service as such, be exempt from jury duty

and performance of militia duty, except in case of war, insurrection or invasion; and every fireman who shall have faithfully served as such in said village for five years, shall thereafter be exempt from jury duty and performance of militia duty, except in case of war, insurrection or invasion.

§ 13. The evidence to entitle any person to the exemptions provided in this section shall be a certificate signed by the president of the village, and the foreman of a company or a department officer. No such certificate shall be given until the applicant shall make and file with the village clerk an affidavit to the facts which entitle him to such exemption.

Certificate of exemption.

TITLE VII.

MISCELLANEOUS PROVISIONS.

SECTION 1. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or freeholder in the village of Bath-on-the-Hudson, in any action or proceeding in which the said village is interested.

Competency of judges, jurors, etc.

§ 2. When corporations, associations, copartners, joint-tenants or tenants in common are to be served with a notice under any provision of this act, or under the direction of the board of trustees, it shall be deemed a sufficient, valid and legal service of such notice to serve a copy thereof upon the president, cashier, treasurer or the managing agent of such corporation or association, or upon any one of such copartners, joint-tenants or tenants in common.

Service of notices on corporations and joint-tenants.

§ 3. All claims against the village for damages or injury alleged to have arisen from defective, unsafe or dangerous condition of any street, highway, culvert, sidewalk or crosswalk in said village, or from negligence of the village authorities in respect to any such street, highway, culvert, sidewalk or crosswalk, shall, within three months after the happening of such damage or injury, be presented by or in behalf of such claimant to the president or village attorney in writing, signed by the claimant or his agent or representative attorney, and duly verified by one of such parties, describing the time and location of the place where such injury occurred, and the cause and extent of the damage or injury. The omission to present such claim, as aforesaid, within said three months, shall be a bar to any action or proceeding therefor against the village. No action for such damage or injury shall be maintained unless commenced within two years from the happening of the same. Every process commencing an action against the village shall be served on the president of the village and not otherwise.

Claims for damages or injury, presentation of.

Omission to present same. Actions therefor.

§ 4. The several persons elected at any charter or annual election in said village and who shall be holding such office at the time of the passage of this act, shall hold and discharge the duties of the offices to which they were severally elected, the same as though elected after the passage of this act; and the several persons who have been appointed to any office in said village shall continue to hold and perform the duties of such offices respectively, for and during the time for which they were so appointed, unless sooner removed; and the provisions of this act shall be applicable to all the officers of said village so elected or appointed.

Terms of present officers.

§ 5. All actions brought to recover any penalty or forfeiture under this act, or under the rules, by-laws and ordinances made in pursu-

Actions to recover penalties.

etc., how brought, etc.

ance of it, shall be brought in the corporate name of said village, and in such action it shall be lawful to declare or complain generally for such penalties or forfeiture, stating the section of this act or rule, by-law or ordinance under which the penalty or forfeiture is claimed, and briefly setting forth the violation thereof for which the complaint is made.

First process, in suits for penalties.

§ 6. The first process in any suit brought by the village for a penalty under this act or a rule, by-law, or ordinance adopted by the board of trustees, in pursuance of said act, shall be a summons or warrant.

Execution.

If the defendant in such action has not property, personal or real, whereof the judgment can be collected, the execution shall require the defendant to be imprisoned in the jail of the county of Rensselaer for a term not exceeding thirty days.

Evidence of publication, etc.

§ 7. The affidavit of the party publishing or posting any notices required to be published or posted by the provisions of this act, or by any rule, by-law or ordinance made in pursuance thereof, shall be deemed presumptive evidence of such posting or publishing in all courts, and places, and in all actions and proceedings.

Competency of justice or juror.

§ 8. In actions brought by or against the village, it shall not be an objection against the person acting as justice or juror in any such action, that he is a resident of the village or subject to taxation therein.

Repeal.

§ 9. From and after the passage of this act, all former acts relating to said village of Bath-on-the-Hudson, as a corporation, and which are charters of the same, or amendments of such charters, are hereby repealed. But such repeal shall not affect any right vested or established, or any suit, proceeding or prosecution had or commenced, or any assessment commenced or made, and the tax to be collected thereunder, previous to the passage of this act; but every such right, suit or prosecution, assessment, and the collection of taxes thereunder, shall remain as valid and effectual, and continue the same as if such previous act had remained in force; and all estates, real and personal, vested in or belonging to the village of Bath-on-the-Hudson when this act shall take effect, shall continue to be vested in and belong to said village.

Property vested in village.

Existing ordinances, etc.

§ 10. The existing ordinances, by-laws, resolutions, and regulations of the board of trustees of the village of Bath-on-the-Hudson, not inconsistent with this act, shall be and continue in force and have the same force and effect as if duly adopted and published or served by the board of trustees of said village, until the same shall be repealed by said board of trustees.

Public act.

§ 11. This act is hereby declared to be a public act, and all courts and tribunals shall be bound to take judicial notice of the same, and of all the provisions thereof.

Proviso as to plank road company.

§ 12. This act shall in no wise invalidate the corporate rights of the Albany and Sand Lake Plank Road Company.

§ 13. This act shall take effect immediately.

CHAP. 306.

AN ACT to amend section two of chapter three hundred and seventy-five of the laws of one thousand eight hundred and eighty-nine, entitled "An act to provide for the construction of sewers in any incorporated village of this state.

APPROVED by the Governor May 4, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter three hundred and seventy-five of the laws of one thousand eight hundred and eighty-nine, entitled "An act to provide for the construction of sewers in any incorporated village of this state," is hereby amended so as to read as follows:

§ 2. In any such village not having a board of sewer commissioners or any officers other than the board of village trustees authorized to perform the general duties of sewer commissioners, the president and board of trustees of such village may, by a concurring vote of at least two-thirds of their entire number, if more than five, and by a majority of the entire number if five or less, appoint five citizens of said village, who shall be residents and tax-payers thereof, to be sewer commissioners of said village. Such sewer commissioners shall be appointed for such terms of office respectively that the term of office of one such commissioner shall expire every year, and at the regular meeting of said board of trustees, next preceding the expiration of the term of office of any sewer commissioner so appointed, the successor of such commissioner shall be appointed in like manner for a term of five years. A vacancy occurring in the office of any sewer commissioner so appointed otherwise than by expiration of term shall be filled in like manner for the balance of the unexpired term. Such appointment shall be so made that not more than three of such commissioners in office at any one time shall have been appointed from the members of the same political party. The sewer commissioners so appointed shall be officers of said village, and shall constitute the board of sewer commissioners of such village, and shall receive no compensation for their services as such commissioners. The commissioners so appointed shall annually elect one of their number to be president, and a suitable person to be clerk of such board of sewer commissioners, who may be paid for his services a sum to be fixed by such board, not exceeding two hundred dollars per year, to be paid as other village expenses are paid. Said board may make by-laws for the conduct of their proceedings.

Sewer commissioners, appointment of.

Term of office.

Successors, appointment of.

Vacancies.

Appointments, how made.

Board of sewer commissioners.

Clerk of board.

By-laws.

§ 2. This act shall take effect immediately.

Transcripts certified by clerk, evidence.

transcripts thereof, and of the records of proceedings of the board of trustees, and copies of the ordinances of the village, duly certified by the clerk, shall be evidence in all courts and places with like effect as originals would have if produced.

Treasurer, his duties.

§ 7. The treasurer shall be the chief fiscal officer of said village. He shall receive all moneys belonging to said village and pay out the same upon warrants signed by the presiding officer of the board of trustees countersigned by the clerk, and specifying the purposes for which such moneys are paid. He shall keep an accurate account of all receipts and expenditures in such manner as the board of trustees shall direct, and showing the fund to which each item is credited and the fund from which each item is paid, which account shall be open to inspection by any inhabitant of the village at all reasonable hours. He shall furnish such reports and perform such other duties as the board of trustees may require; and he shall give a bond in two or more sureties for the faithful discharge of his duties and the payment over to his successor of all moneys remaining in his hands. The treasurer shall exhibit to the board of trustees at least fifteen days before the annual election in each year, a full account of all the receipts and expenditures after the date of the last annual report, and also the state of the treasury which account shall be filed in the office of the clerk. He shall receive a compensation to be fixed by the board of trustees not exceeding one hundred dollars.

Bond.

Annual report.

Compensation.

Street commissioner, his duties.

§ 8. The street commissioner shall have, under the direction and control of the board of trustees, the immediate supervision and charge of the public grounds, highways, streets, lanes, alleys, walks, culverts, sewers, wells and property of said village; shall have charge of the construction, improvements and repairs thereto, and the labor performed thereon; shall serve all notices required by the board of trustees; shall hire and employ the requisite laborers and direct them as to the time and manner of the execution of their work, and certify to the board of trustees at its regular meetings, or as often as required, all persons who shall have been so employed. It shall be his duty to arrest any or all persons whom he shall detect in violating any of the ordinances or by-laws adopted by the board of trustees. He shall in all things act under the direction of the said board, who may at all times limit, regulate and restrain him or those working under him in the performance of their duties. He shall receive as his compensation two dollars per day for each day's labor actually performed.

Compensation.

Janitor, his duties.

§ 9. It shall be the duty of the janitor to arrest any or all persons, except members of the fire department and village officers whom he shall detect in loitering in or around or marking, defacing or destroying any building or property owned or occupied by the village for any purpose, and perform such other duties as the board of trustees shall by ordinance define. He shall receive a salary not exceeding one hundred dollars per annum.

Salary.

Ex-officio policemen.

§ 10. The trustees, street commissioner and janitor shall be ex-officio policemen and shall have the same powers when acting as such to make arrests for violations of village ordinances and by-laws as are herein conferred upon policemen.

TITLE IV.

POWERS AND DUTIES OF POLICEMEN.

Policemen, their powers.

SECTION 1. Each policeman of the village shall have the following powers:

1. To exercise all the powers and authority that constables of the town of North Greenbush now have or hereafter shall have with regard to all criminal matters and all proceedings of a criminal nature and all civil actions brought to recover penalties as herein provided.

2. In exercising such authority to arrest without process all persons guilty of violating, in his presence, any village ordinance or by-law, the violation of which shall have been made a misdemeanor, and to take them before a justice of the peace having jurisdiction, to be dealt with according to law.

3. To serve and give such notices as the board of trustees may direct; and any return of a service subscribed by any policeman, indorsed upon or annexed to any process or notice shall be presumptive evidence of the service thereof.

§ 2. Each policeman shall perform the following duties:

1. To properly exercise the powers and authority hereby conferred upon him. Duties.

2. To perform such other duties as shall be designated by the board of trustees.

3. To see that the police regulations, by-laws and ordinances of the village are observed, and to discover and report to the president all violations thereof.

TITLE V.

HIGHWAYS AND STREETS.

SECTION 1. The board of trustees shall be commissioners of highways in and for said village, and shall have all the powers and perform all the duties of commissioners of highways in towns of this state, subject to the provisions of this act; they shall have power: Commissioners of highways.

1. To lay out, make, open, grade, level, regulate, pave, macadamize, plank, gravel, clean, repair and improve highways, streets, lanes, alleys, public grounds, parks, sidewalks and gutters, and alter, amend, widen, straighten and discontinue the same, and to establish grades and levels therefor, and alter the same through any lands, buildings or inclosure in said village, subject to the provisions of law and of this act. Power to lay out and improve streets, etc.

2. To build, construct, regulate, maintain and control sewers, drains, outlets, catch-basins and crosswalks, to regulate the size and dimensions, and establish grades and levels for the same. Sewers, drains, etc.

3. To regulate, prevent and summarily remove all obstructions and incumbrances in or upon the streets, sidewalks, highways and public grounds in said village, and keep the same free from encroachment or injury by reason thereof. Obstructions upon streets, etc.

4. To require and compel the owners of buildings or lots on any street in said village, to make and maintain sidewalks of stone, plank or other proper material, and to grade and set curbstones in front of the premises so owned by them, and to regulate the grade, slope, dimensions and construction thereof. Whenever the board of trustees shall order any such work to be done, a copy of such order shall be served upon such owner by delivering it to him personally, or in case of his absence, by leaving it at his residence with some person of suitable age and discretion, or by leaving it with the persons occupying or in possession of such premises, or by posting it on such premises. An affidavit stating the time and manner of service of such order shall Sidewalks, may compel making of, etc.
Service of order upon owners.

Board
may cause
work to be
done.

Expense
thereof,
how collect-
ed.

Building
material,
staging,
etc.
Excava-
tions and
structures
upon
streets.

Removal of
structures
from
streets,
etc.

Snow, dirt,
etc.

Assess-
ment of
expense.

Lighting of
streets and
highways.

Trees,
planting,
protection,
etc., of.

Street
names and
numbers.

Acceptance
of streets.

Maps and
description
of streets,
sewers,
etc.

be made and filed with the clerk of said village, and such affidavit shall be presumptive evidence in all events and proceedings of the facts therein contained. If such owner shall not do such work or cause it to be done in the manner required by said order, within five days after the service thereof, when the work to be done is the repairing of sidewalks, or within thirty days when any other work is to be done, or within such further time as the board of trustees may allow, the said board shall cause such work to be done, and all expenses incurred in doing the same and interest thereon at six per centum may be collected of the owner of the premises, or in front of which such work shall have been done either by action against such owner, or by assessment in the same manner as other village taxes are collected, but no stone sidewalk shall be ordered laid except in accordance with the provisions herein-after set forth.

5. To regulate or prevent the deposit of building material, the erection of staging or other structures for repairing or building purposes; the moving of buildings; the making of excavations and the construction of fences, steps, stairways, doors, platforms, awnings, sign-posts, show-windows, swinging gates, and other structures in, upon, through, across or over the streets, sidewalks, and public grounds of said village.

6. To remove or compel the removal of such fences, steps, stairways, doors, platforms, awnings, sign-posts, show-windows, swinging-gates, and other structures as are in, over or upon the streets, sidewalks and public grounds of said village; to remove or compel the removal of snow, ice, dirt, ashes and other substances from the sidewalks, streets and gutters of said village, and to assess the expense of such removal upon the owners of the premises fronting, and to collect the same and interest thereon at six per centum either by action against such owner or with the next general village tax in the same manner as other village taxes are collected.

7. To provide for and regulate the lighting of the streets, highways, lanes and public grounds and buildings of said village, with oil, gas or electricity, or other suitable means, and the protection, and safety of the public lamps, lamp-posts, service pipes, wires, fixtures, machinery and appliances connected therewith.

8. To regulate the planting, trimming and protecting, and to order the removal of ornamental and shade trees in and along the streets and public grounds of said village; to prevent and punish the hitching of horses, teams or other animals to such trees and the breaking or injuring of such trees in any manner; and to regulate or prohibit the driving, riding or leading, of teams, horses, cattle, sheep or other animals, and the hauling or moving of heavy objects upon or across the sidewalks of said village.

9. To give names to the streets and numbers to the lots and tenements; to change the same; and to compel the owners of lots and tenements to mark and maintain such numbers conspicuously thereon.

10. To accept by resolution, of streets dedicated to the public by the owner or owners, and to have the same control and authority over such streets as over any street regularly laid out according to law or the provisions of this act. It shall also be the duty of the board of trustees to cause a map and description to be made of all the streets, highways, alleys, lanes, drains, sewers, public grounds and property in said village, heretofore laid out or which shall have been dedicated to the public or given to the village, or used by the public for twenty years, or which shall hereafter be laid out, altered, discontinued or dedicated;

which map shall be filed in the office of, and which description shall be recorded in a book kept by the village clerk, and which map and record shall be prima facie evidence of the facts therein stated in all actions and courts.

To be filed
and re-
corded.

11. To regulate the use of sewers and the manner of connection with the same.

Sewers.

12. To require any turnpike, plank, railroad or other corporation or company to keep the street or highway through or over which its roads may pass in said village, and the gutters and drains thereof, in good condition and repair, to lay or relay such road according to the established grade of such street or highway, or such parts of the same as the said board of trustees prescribes and directs, and to remove all incumbrances or obstructions which such corporation or company may have placed or caused to be placed in or on any such streets or highways within such time as said board of trustees prescribes or directs, and in case such corporation or company shall refuse or neglect to do any of the acts so required, the said board of trustees shall have the power to cause the same to be done at the cost and expense of such corporation or company; and such cost and expense to be fixed and determined by said board of trustees, shall be assessed upon and collected from such corporation and company in the same manner as other assessments are herein provided to be levied, assessed and collected.

May re-
quire cor-
porations
to repair
streets,
etc.

Board may
cause acts
to be
done.

Cost and
expense,
how col-
lected.

§ 2. The said village shall be exempt from the jurisdiction and control of the commissioners of highways of the town of North Greenbush, and the said village is hereby declared a separate road district.

Separate
road
district.

§ 3. Whenever the improvement to be made under this act shall be the laying of a stone, brick or composition walk or the setting of curb-stones or paving a street, or the changing the grade of any street, no such work shall be done unless on written application of a majority in feet of the persons residing in said village, owning property on the line of such proposed improvements except that in changing the grade of any street, a majority in feet of all owners must petition, and two weeks' notice of the intention of the board of trustees to act on said matter shall be published in the official newspaper of the village. The grade of all streets shall be confirmed and a profile of said grade recorded in a book to be kept for that purpose, and no work shall be commenced on any street, lane or avenue until such grade or profile has been confirmed and recorded; but whenever the work authorized by the trustees in the grading of any street, the laying of any sidewalk or crosswalk, the laying of a sewer, the paving of any surface drain or gutter, building, catchbasin or the erection of a public building, the probable cost of which will exceed ten dollars, in any of the streets, lanes or avenues of said village, it shall be the duty of the trustees to advertise for sealed proposals for doing said work, and, in case the board of trustees shall award such work they shall in all cases, award such contract to the lowest responsible bidder, upon condition that the person or persons awarded the contract shall give to the trustees good and sufficient bonds, conditioned for the faithful performance of the contract according to the plans and specifications adopted by said trustees for such work; but the board of trustees may reject all proposals by a majority vote of the board, if they deem the price charged excessive, or for not conforming to the requirements of manner of proposing, or may reject any or all of such proposals, if the acceptance of such proposal would invalidate the collection of an assessment for the work.

Applica-
tions for
street im-
prove-
ments.

Grade of
streets.

Proposals
for work,
advertis-
ing for.

Award of
contracts.

Rejection
of propos-
als.

Acceptance of work and warrants therefor, restrictions as to.

§ 4. After any street, lane or alley shall have been graded, paved, macadamized, or planked or any side or crosswalk laid or curbing set or guttered or surface drain paved, or sewer or catch basin built it shall not be accepted or any warrant issued for the payment of the work done until, if a surveyor be employed to fix the lines and grades, his sworn certificate, and, if no surveyor be employed, the sworn certificate of the street commissioners, be filed with the village clerk that the work done conforms to the lines and profiles established and the plans and specifications laid down for such work.

Street improvements upon petition of owners.

§ 5. On the written petition or consent of a majority in fee, of the owners residing in the village, owning property on the line of the proposed improvement, the board of trustees shall have the power to cause said street, highway or public grounds to be macadamized, planked or paved with stone or other suitable material, whether same shall be macadamized, planked or paved, and, if paved, the kind of such pavement and material to be specified in said petition, and shall have the power without such petition or consent to gravel said streets, highways, public grounds or gutters, and repair any of said streets, highways and public grounds, whenever said board of trustees shall deem it necessary. Whenever the board of trustees shall intend to order any of the work in this section specified, except repairs to streets, they shall, before ordering the same, cause a notice of such intention to be published for two weeks successively, in the official newspaper of said village, stating the time when and the place where said board will meet to act thereon. At such meeting, or at such adjourned or subsequent meeting as they shall order said hearing to be had, they shall hear such reasons as shall be given for or against the same, and previous to said hearing they may, if deemed necessary, cause a survey and plans of the proposed improvement to be made, which they shall have at said meeting for the inspection of parties interested therein. Before ordering such improvements to be made, the said board of trustees shall cause a notice to be published in the official newspaper published in said village, that on a certain day therein specified, at least two weeks after the publication thereof, sealed proposals for making said improvements and doing said work, with bonds for the faithful performance thereof, will be received by the president of said village. Upon the day mentioned in such notice, or such other time as said board may prescribe, the president shall, in the presence of said board of trustees, open such sealed proposals, and the most favorable thereof may be accepted by them. No proposals shall be considered which shall not be accompanied by a bond, with sureties, and in a penalty to be approved by said board of trustees, conditioned that if the proposal be accepted, the person making the same will construct the work and make such improvement at the price and upon the terms proposed, and according to the plans and specifications adopted by said board, and the same shall be subject to the approval and supervision of such person or persons as they may designate for that purpose, and alike subject to the approval of said board of trustees. The said board of trustees may order the said work to be done, and said improvement to be made, by a vote of a majority of the members in office of said board of trustees, by an order which shall be entered in the minutes of their proceedings, and the expense of work done under the provisions of this title shall be assessed in the manner prescribed in title three of this act, and such tax shall be enforced and collected as hereinbefore prescribed.

May be made without petition.

Notice of intention to order work.

Hearing.

Survey and plans.

Notice of receiving proposals.

Opening thereof, etc.

Bond to accompany proposal.

Work, how ordered.

Assessment of expense.

TITLE VI.

FIRE DEPARTMENT.

SECTION 1. The board of trustees shall have power to organize a fire department consisting of as many hose, hook and ladder, engine and protective companies as they may authorize, not exceeding sixty members to each engine company and not exceeding forty members to each hose, hook and ladder and protective company; each company shall be allowed to appoint or elect its own members, subject to confirmation by the board of trustees.

Fire department, organization of.

§ 2. The board of trustees may disband any of said companies for cause, and control and manage the officers and members of such fire department and prescribe their powers and duties.

Disbandment of companies, etc.

§ 3. The officers of said department shall consist of a chief engineer, two assistants, president, secretary and treasurer, and the officers of each company shall consist of a foreman and two assistants.

Officers of department.

§ 4. The board of trustees shall have power:

1. To regulate the construction of chimneys, fire-places, hearth-stones, stove pipes, ovens, boilers and apparatus used in any building or factory, to cause the same to be removed or placed in a safe and secure condition; to prevent the deposit of ashes in unsafe places; to regulate and prevent the carrying on of manufactures dangerous in causing or promoting fires; to compel the owners and occupants of houses and other buildings to have scuttles in roofs and stairs and ladders leading to the same.

Precautionary measures against fires.

2. To remove or demolish any building or structure which by reason of fire or other causes may become dangerous to life or property.

Destruction of buildings.

3. To prohibit or regulate the storing, sale and use of gunpowder, rockets, fireworks, or other explosive substances, the making of bonfires, and the burning of any substance, within said village, by reason whereof property may be endangered.

Explosives, sale, etc., of.
Bonfires.

4. To make such other rules and ordinances as may be necessary and proper for the prevention and extinguishment of fires, and to enforce the same by fines and penalties.

Rules, etc.

§ 5. The president, each trustee and the chief engineer shall be members ex officio of the fire department, and shall have power to enter into and examine all stores, shops, factories, dwelling-houses, offices, out-houses, barns, buildings, lots and yards, in the daytime; to inspect places therein where fires are used; to ascertain how ashes are kept; to direct and compel the owner or occupants to put the premises inspected in a safe condition; and in default to appoint any person to do the same at the expense of such owner or occupant.

Ex-officio members, and powers of.

§ 6. The members of the fire department shall meet annually on the second Monday evening in January, at the village building, at which meeting a chief engineer and first and second assistant, president, treasurer and secretary shall be elected by ballot, of which the chief engineer and assistants election shall be subject to the approval of the board of trustees. The polls of said election shall remain open from seven o'clock in the evening to nine o'clock in the evening; each company shall appoint a person to act as teller at such election, subject to the approval of the board of trustees. The persons acting as inspectors, or a majority of them, shall, immediately upon the close of the polls, canvass the votes, declare the result, and subscribe a certificate to the same, and file the same within twenty-four hours after said election with the village clerk. In case the said trustees shall disapprove

Annual election of officers of department.

Canvass of vote and declaration of result.

Officers of companies, how elected.

of such election, they shall order another election at such time and place as they may deem proper. The officers of the companies may be elected at such times and place as the constitution and by-laws of such companies may require, but such officers shall be subject to approval by the board of trustees.

Chief engineer and assistants, powers and duties of.

§ 7. The chief engineer and his assistant engineers shall have the immediate control of the fire department and apparatus, subject to the regulations and requirements of the board of trustees. It shall be the duty of the chief engineer, and in his absence or inability, of the first assistant engineer, and in his absence or inability, of the second assistant engineer, to be present at fires within said village, to take command of the fire companies and general control of the apparatus for extinguishing and preventing such fires; and to perform such other duties and exercise such other powers as the board of trustees in their by-laws or ordinances may require or confer.

Suspension of officers and members.

§ 8. The president of the village or any two of the trustees, at any time upon charges being preferred, or upon finding any officer or member of the fire department guilty of misconduct, may suspend such officer or member from service until the board of trustees shall convene and take action in the matter; but no such officer or member shall remain so suspended for a longer period than twenty days without an opportunity of being heard in his defense. After such hearing the board of trustees may, by a majority vote, restore or remove such officer or member.

Removals.

Present officers and members.

§ 9. The officers and members of the present fire department of said village shall continue to be such officers and members subject to the provisions of this act. The name of each member of the fire department shall be registered with the village clerk by the secretary of the general fire department, to whom the officers of each company shall report the name of every member expelled from or who shall have died or resigned from such company, with the date of such death expulsion or resignation.

Registration of names, report of resignations, etc.

Powers of president and trustees at fires.

§ 10. The president of the village, the trustees, the policemen, the chief engineer and his assistants, and each of them, shall have power to keep away from the vicinity of any fire all idle or suspicious persons, and to compel all persons to aid in the extinguishment of fires and the preservation and protection of property exposed to danger thereat. For such purposes the chief engineer and his assistants shall have the powers conferred upon policemen by this act, and any person who shall disobey the reasonable order of any one of said officers shall incur a penalty of twenty-five dollars, to be recovered as other penalties imposed by this act.

Powers of policemen conferred on chief, etc.

Duties of members of department.

§ 11. It shall be the duty of the members of the fire department to turn out promptly upon every alarm of fire, to aid in the extinguishment thereof as directed by the chief engineer or assistant engineer; and whenever called upon by the president or trustees, to aid in the suppression of riots and riotous assemblages in said village. Any member or other person who shall during the time of any fire, neglect or refuse to obey the orders of the chief engineer or any assistant engineer, shall incur such penalty as the by-laws or ordinances of the board of trustees may provide, not exceeding five dollars for each offense. Every member of the fire department is hereby declared to be exempt from prosecution or indictment for any act done in the reasonable and proper discharge of his duties at riots and riotous assemblages.

Refusal to obey orders, penalty for.

Exemption from prosecution.

Exemption from jury

§ 12. The members of the fire department of said village shall, during the time of their active service as such, be exempt from jury duty

and performance of militia duty, except in case of war, insurrection or invasion; and every fireman who shall have faithfully served as such in said village for five years, shall thereafter be exempt from jury duty and performance of militia duty, except in case of war, insurrection or invasion.

and militia duty.

§ 13. The evidence to entitle any person to the exemptions provided in this section shall be a certificate signed by the president of the village, and the foreman of a company or a department officer. No such certificate shall be given until the applicant shall make and file with the village clerk an affidavit to the facts which entitle him to such exemption.

Certificate of exemption.

TITLE VII.

MISCELLANEOUS PROVISIONS.

SECTION 1. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or freeholder in the village of Bath-on-the-Hudson, in any action or proceeding in which the said village is interested.

Competency of judges, jurors, etc.

§ 2. When corporations, associations, copartners, joint-tenants or tenants in common are to be served with a notice under any provision of this act, or under the direction of the board of trustees, it shall be deemed a sufficient, valid and legal service of such notice to serve a copy thereof upon the president, cashier, treasurer or the managing agent of such corporation or association, or upon any one of such copartners, joint-tenants or tenants in common.

Service of notices on corporations and joint-tenants.

§ 3. All claims against the village for damages or injury alleged to have arisen from defective, unsafe or dangerous condition of any street, highway, culvert, sidewalk or crosswalk in said village, or from negligence of the village authorities in respect to any such street, highway, culvert, sidewalk or crosswalk, shall, within three months after the happening of such damage or injury, be presented by or in behalf of such claimant to the president or village attorney in writing, signed by the claimant or his agent or representative attorney, and duly verified by one of such parties, describing the time and location of the place where such injury occurred, and the cause and extent of the damage or injury. The omission to present such claim, as aforesaid, within said three months, shall be a bar to any action or proceeding therefor against the village. No action for such damage or injury shall be maintained unless commenced within two years from the happening of the same. Every process commencing an action against the village shall be served on the president of the village and not otherwise.

Claims for damages or injury, presentation of.

Omission to present same. Actions therefor.

§ 4. The several persons elected at any charter or annual election in said village and who shall be holding such office at the time of the passage of this act, shall hold and discharge the duties of the offices to which they were severally elected, the same as though elected after the passage of this act; and the several persons who have been appointed to any office in said village shall continue to hold and perform the duties of such offices respectively, for and during the time for which they were so appointed, unless sooner removed; and the provisions of this act shall be applicable to all the officers of said village so elected or appointed.

Terms of present officers.

§ 5. All actions brought to recover any penalty or forfeiture under this act, or under the rules, by-laws and ordinances made in pursu-

Actions to recover penalties,

etc., how
brought,
etc.

ance of it, shall be brought in the corporate name of said village, and in such action it shall be lawful to declare or complain generally for such penalties or forfeiture, stating the section of this act or rule, by-law or ordinance under which the penalty or forfeiture is claimed, and briefly setting forth the violation thereof for which the complaint is made.

First pro-
cess, in
suits for
penalties.

§ 6. The first process in any suit brought by the village for a penalty under this act or a rule, by-law, or ordinance adopted by the board of trustees, in pursuance of said act, shall be a summons or warrant.

Execution.

If the defendant in such action has not property, personal or real, whereof the judgment can be collected, the execution shall require the defendant to be imprisoned in the jail of the county of Rensselaer for a term not exceeding thirty days.

Evidence
of publica-
tion, etc.

§ 7. The affidavit of the party publishing or posting any notices required to be published or posted by the provisions of this act, or by any rule, by-law or ordinance made in pursuance thereof, shall be deemed presumptive evidence of such posting or publishing in all courts, and places, and in all actions and proceedings.

Compe-
tency of
justice or
juror.

§ 8. In actions brought by or against the village, it shall not be an objection against the person acting as justice or juror in any such action, that he is a resident of the village or subject to taxation therein.

Repeal.

§ 9. From and after the passage of this act, all former acts relating to said village of Bath-on-the-Hudson, as a corporation, and which are charters of the same, or amendments of such charters, are hereby repealed. But such repeal shall not affect any right vested or established, or any suit, proceeding or prosecution had or commenced, or any assessment commenced or made, and the tax to be collected thereunder, previous to the passage of this act; but every such right, suit or prosecution, assessment, and the collection of taxes thereunder, shall remain as valid and effectual, and continue the same as if such previous act had remained in force; and all estates, real and personal, vested in or belonging to the village of Bath-on-the-Hudson when this act shall take effect, shall continue to be vested in and belong to said village.

Property
vested in
village.

Existing
ordinan-
ces, etc.

§ 10. The existing ordinances, by-laws, resolutions, and regulations of the board of trustees of the village of Bath-on-the-Hudson, not inconsistent with this act, shall be and continue in force and have the same force and effect as if duly adopted and published or served by the board of trustees of said village, until the same shall be repealed by said board of trustees.

Public act.

§ 11. This act is hereby declared to be a public act, and all courts and tribunals shall be bound to take judicial notice of the same, and of all the provisions thereof.

Proviso as
to plank
road com-
pany.

§ 12. This act shall in no wise invalidate the corporate rights of the Albany and Sand Lake Plank Road Company.

§ 13. This act shall take effect immediately.

CHAP. 306.

AN ACT to amend section two of chapter three hundred and seventy-five of the laws of one thousand eight hundred and eighty-nine, entitled "An act to provide for the construction of sewers in any incorporated village of this state.

APPROVED by the Governor May 4, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter three hundred and seventy-five of the laws of one thousand eight hundred and eighty-nine, entitled "An act to provide for the construction of sewers in any incorporated village of this state," is hereby amended so as to read as follows :

§ 2. In any such village not having a board of sewer commissioners or any officers other than the board of village trustees authorized to perform the general duties of sewer commissioners, the president and board of trustees of such village may, by a concurring vote of at least two-thirds of their entire number, if more than five, and by a majority of the entire number if five or less, appoint five citizens of said village, who shall be residents and tax-payers thereof, to be sewer commissioners of said village. Such sewer commissioners shall be appointed for such terms of office respectively that the term of office of one such commissioner shall expire every year, and at the regular meeting of said board of trustees, next preceding the expiration of the term of office of any sewer commissioner so appointed, the successor of such commissioner shall be appointed in like manner for a term of five years. A vacancy occurring in the office of any sewer commissioner so appointed otherwise than by expiration of term shall be filled in like manner for the balance of the unexpired term. Such appointment shall be so made that not more than three of such commissioners in office at any one time shall have been appointed from the members of the same political party. The sewer commissioners so appointed shall be officers of said village, and shall constitute the board of sewer commissioners of such village, and shall receive no compensation for their services as such commissioners. The commissioners so appointed shall annually elect one of their number to be president, and a suitable person to be clerk of such board of sewer commissioners, who may be paid for his services a sum to be fixed by such board, not exceeding two hundred dollars per year, to be paid as other village expenses are paid. Said board may make by-laws for the conduct of their proceedings.

Sewer
commissioners,
appoint-
ment of.

Term of
office.

Successors,
appoint-
ment of.

Vacancies.

Appoint-
ments,
how made.

Board of
sewer
commis-
sioners.

Clerk of
board.

By-laws.

§ 2. This act shall take effect immediately.

CHAP. 307.

AN ACT to amend chapter three hundred and seventy-six of the laws of eighteen hundred and eighty, entitled "An act to incorporate the grand lodge, Knights of Pythias, of the state of New York."

APPROVED by the Governor May 4, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six of chapter three hundred and seventy-six of the laws of eighteen hundred and eighty, entitled "An act to incorporate the grand lodge, Knights of Pythias, of the state of New York, is hereby amended so as to read as follows :

Grand lodge, sessions and powers of.

§ 6. The said grand lodge shall hold annual sessions on the Tuesday succeeding the fourth Monday of July, unless otherwise ordered at any annual session, and shall have power to make, from time to time, such constitution, by-laws, rules and regulations governing and controlling the said grand lodge and subordinate lodges, as the said grand lodge shall deem proper, and shall have power to fine and suspend all officers or members of subordinate lodges under its jurisdiction as shall neglect to comply with such constitution, by-laws, rules or regulations.

§ 2. This act shall take effect immediately.

CHAP. 308.

AN ACT to authorize the selection, location and acquiring of certain grounds for a public park in and near the city of Hornellsville, and to provide for the maintenance and embellishment thereof.

APPROVED by the Governor May 4, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Park commissioners, appointment and terms of.

SECTION 1. There shall be in and for the city of Hornellsville, a board of park commissioners to consist of six competent persons, who shall be appointed by the mayor of said city, by and with the advice and consent of three-fourths of the members of the common council. One of said commissioners shall hold office six years, one five years, one four years, one three years, one two years, one one year. Three of said persons shall be selected from the party which cast at the last general election, the greatest number of votes, and three of said persons shall be selected from the party which cast the next greatest number of votes at such election, and the commission shall always be so constituted ; after such appointments are first made, the mayor, by and with the advice and consent of three-fourths of the members of the common council, shall in each year that a vacancy occurs, fill the same by appointment for the term of six years. If any vacancy happens by resignation or otherwise he shall in the same manner appoint a commissioner, for the residue of said term. Any commissioner may be suspended from office by the mayor upon written charges preferred. The mayor shall report the fact of such suspension and the reasons

Vacancies.

Suspensions and removals for cause.

therefor at the next regular meeting of the board of common council, and if a majority of such common council shall approve of the act of the mayor, such commissioner shall be removed from office and his term of office shall expire, otherwise his suspension shall cease. No person who holds any other city office shall be eligible to an appointment as park commissioner, and if he shall be elected or appointed to any other city office his position as park commissioner shall be vacant. Those in office shall continue to perform the duties of said office until their successors are respectively appointed and qualified to act. Before entering upon his duties as such, each commissioner shall take the oath of office prescribed by the constitution, and make his bond to the city of Hornellsville with surety or sureties conditioned for the faithful discharge of his duties as commissioner in such sum of not less than five thousand dollars, as the mayor of the city shall direct, to be approved, by him, and such official oath and bond shall be filed with the clerk of the city. The commissioners shall have no pay or compensation for their services as such.

Ineligibility to appointment

Holding over.

Oath and official bond.

No pay.

§ 2. The commissioners shall elect from their number a president, a secretary and a treasurer of the board, and by resolution fix their respective terms of office. The treasurer shall give a bond to the city of Hornellsville, for the faithful discharge of his duties and to account for all moneys, bonds and other property coming to him as such treasurer in the penal sum of at least fifty thousand dollars and with at least four sureties to be approved by the common council of said city. The commissioners shall also have the power to employ engineers, a superintendent, a clerk and other assistants as they may deem necessary, whose compensation shall be paid by the treasurer of said board of commissioners as a part of the expense of selecting, locating and maintaining grounds for a public park. The said park commissioners shall hold their first meeting within ten days after their appointment at the mayor's office in said city.

Officers of board

Bond of treasurer.

Engineers, supt., clerk, etc.

First meeting.

§ 3. The said park commissioners shall have power and are hereby authorized to select and locate such lands in or near the city of Hornellsville as may in their opinion be proper and desirable to be reserved, set apart or acquired for one or more public parks, and to acquire the lands so selected by purchase, gift or by condemnation, which lands shall thereafter belong to and be a part of the territory of the city of Hornellsville. The said park commissioners shall make such selection and location in view of the present condition, future growth and wants of said city as they shall deem best with a view to the general convenience and advantage of residence in every portion of said city. Within thirty days after their organization, as in the last section provided, the said park commissioners shall proceed to have surveys and plans made and as soon as practicable thereafter shall enter into agreements of purchase, in the name of the city of Hornellsville, of lands within the location and boundaries by them fixed for said park or parks, for which owners will make contracts of sale, and the same shall be paid for out of the park fund hereinafter provided, from the sale of the Hornellsville park bonds. They shall report in detail such selection and location of lands purchased or acquired to the common council of said city of Hornellsville, on or before the first day of January, eighteen hundred and ninety-two, and from time to time thereafter, when requested by the common council. In said reports the said park commissioners shall state the boundaries of the grounds located by them for such park or parks; also the name or names of the said park then acquired by gift or purchase. And the tracts, pieces and parcels of

Selection and acquisition of lands.

Surveys.

Agreements of purchase.

Reports of selection and location of lands.

Land

Engineer
and assist-
ance.

Not to be
interested.

Issue of
bonds.

Negotia-
tion of
same.

Proceeds,
disposition
of.

Advances
for expen-
ditures.

Tax for
interest
and princi-
pal.

Acquisi-
tion of
real estate.

Title
acquired
by con-
demna-
tion.

awarded to the lowest responsible bidder or bidders upon his or their executing a bond to said commissioners, in such amount as they may direct, not exceeding ten thousand dollars, which bond shall be approved as to form by the attorney of the city of Cohoes, who shall be the legal advisor of said commissioners, in all proceedings under this act. Said commissioners shall have power to employ an engineer and such clerical assistance as they may require. It shall be a misdemeanor for either of the said commissioners or any person employed by them to be in any way interested in any contract for such work or in furnishing materials for the same.

§ 4. It shall be the duty of the mayor and chamberlain of the city of Cohoes to borrow on the faith and credit of said city such sums as shall be required to pay the necessary expenses of constructing the said bridge or viaduct, and to issue the bonds of the city therefor, which bonds shall be signed by the said mayor and chamberlain, and shall be made payable at such place as they may select. Each of such bonds shall be in such amounts as said mayor and chamberlain shall designate, not exceeding one thousand dollars, and shall bear interest at not exceeding four per centum per annum, payable annually, and the principal thereof shall be made payable in six annual payments following the first issue thereof, so that one-sixth of the entire issue as near as may be shall be payable each successive year until the whole shall be paid. As fast as the money shall be required by said commissioners, they shall be negotiated by said mayor and chamberlain to the person or corporation offering the highest price or premium therefor, and the money realized on such bond shall be deposited with said chamberlain, who shall keep a separate account thereof, and shall pay therefrom upon the order of said commissioners or a majority of them such sums as shall be required for the expenditures authorized by this act. The said chamberlain is hereby authorized to make advances for the necessary expenditures by said commissioners upon their order or draft, from any funds in his possession prior to the issuing of the bonds herein authorized and to be reimbursed from the proceeds of subsequent sales thereof. It shall be the duty of the common council of said city to cause to be raised yearly, by tax upon the taxable property of said city, in the same manner and at the same time as the general taxes are levied, a sufficient sum to pay the interest on said bonds and such portions of the principal as may become due.

§ 5. It shall be lawful for the said commissioners, whenever they shall deem it necessary, to acquire any real estate over and upon which said viaduct and approaches are to be constructed, and said commissioners shall have power and authority to agree in writing with the owner of such real estate upon the amount to be paid for such real estate, and upon such agreement being made and upon the execution and delivery by such owners to the city of Cohoes of proper sufficient deed or deeds of conveyance of real estate so taken, which deed or deeds shall be approved as to form and sufficiency, by the city attorney, it shall be lawful for the chamberlain upon the order of said commissioners to pay the amount so agreed upon to such owners out of any moneys in his possession applicable as hereinbefore provided to the expenses under this act. In case the said commissioners shall not agree with such owners as hereinbefore provided, it shall be lawful for and the duty of said commissioners to proceed to acquire title to said real estate according to and in pursuance of the provisions of sections three thousand three hundred and fifty-seven, to three thousand three hundred and eighty-four, both inclusive of title first, chapter twenty-

third of the Code of Civil Procedure, as enacted by chapter ninety-five of the laws of eighteen hundred and ninety, entitled "An act to amend the Code of Civil Procedure," passed April fourth, eighteen hundred and ninety, and any amendments thereof. Such proceedings shall be instituted and conducted by the city attorney upon the direction of said commissioners, and no freeholder of the city of Cohoes shall for that reason be ineligible to be a commissioner in such proceedings; and in any such proceedings, where the mode or manner of conducting the same is not expressly provided for by the said act and amendments, the court before which such proceedings are pending shall have the power to make all necessary orders and give the proper directions to carry into effect the object and intent of this act.

Proceed-
ings, how
instituted,
etc.

§ 6. The whole amount that may be expended by the said commissioners under this act for the acquiring of the real estate and the building of said viaduct and approaches and the necessary expenses incident thereto shall not exceed the sum of fifteen thousand dollars, and before any expenditure therefor is made, (except the soliciting of plans and estimates of expenses of construction, which shall be paid by the chamberlain out of any funds in his hands applicable thereto), said commissioners shall make and enter upon their records a full estimate and statement of the total cost of said work, and shall advertise for bids as provided in section three of this act, and shall receive a bid which with the cost of real estate required, the building of the approaches and the expenses incident thereto shall not exceed the sum of fifteen thousand dollars, and shall enter into contract for the completion of the work in the manner and form provided in said section three. Said commissioners shall keep a full and true record of all their proceedings in a book to be provided for such purpose, and one of their number shall be designated as secretary for such purpose, and said record, when completed, shall be filed and preserved in the city clerk's office. The said viaduct, when completed, shall be the property of the city of Cohoes, and a public street and highway thereof, under the care and control of the common council of said city. No officer or other person in the employment of said city shall receive any compensation for services rendered by him under the provisions of this act.

Expendi-
ture,
limited.

Estimate
thereof.

Record of
proceed-
ings.

Viaduct,
city prop-
erty.

Compensa-
tion.

§ 7. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Repeal.

§ 8. This act shall take effect immediately.

CHAP. 315.

AN ACT to amend chapter five hundred and twenty-three of the laws of eighteen hundred and ninety, entitled "An act in relation to the office of sheriff of the city and county of New York."

APPROVED by the Governor May 5, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter five hundred and twenty-three of the laws of eighteen hundred and ninety, entitled "An act in relation to the office of sheriff of the city and county of New York," is hereby amended so as to read as follows:

said city, for the purpose of determining whether said city shall issue the bonds and acquire a park as hereinbefore provided. The ballots cast thereat shall be indorsed "bonds and park" and shall have printed on the inside thereof the words "for the bonds and park" or "against the bonds and park."

Designation of day and inspectors.

Qualifications of voters.

Notice of election.

Powers, when to be exercised.

§ 14. Within five days after this act shall become a law, the mayor of said city shall designate the day upon which said election shall be held and appoint one alderman from each ward, who, together with the city clerk, shall constitute a board of inspectors for the purpose of conducting and holding such election. Any legal voter at general elections whose name appears on the last preceding city tax-roll, shall be entitled to vote at such special election. The clerk of said city shall give ten days notice of such election by causing to be published in each of the three daily city papers published in said city a notice stating the time and place thereof, and the proposition to be submitted thereat.

§ 15. This act shall take effect immediately; but none of the powers herein before given shall be exercised, unless a majority of all the votes cast at an election to be held as herein provided for shall be affirmative votes.

CHAP. 309.

AN ACT to authorize overseers of highways to acquire gravel for highway purposes.

APPROVED by the Governor May 4, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Power to purchase gravel.

Acquisition of same by condemnation.

Two or more districts may acquire right.

Payment by districts.

-ses

SECTION 1. The overseers of highways of any road district of the state, with the consent of the commissioners of highways of the town, and the approval of the town board, shall have power to purchase of the owner of any gravel bed or pit within the town, gravel for the purpose of grading, repairing or otherwise improving the highways of the town at a price per cubic yard approved by said commissioners and town board. If such overseer can not agree with any such owner for the purchase of such gravel, the overseer, with the consent of such commissioners and the approval of such town board, shall have power to acquire by condemnation the right to take and use such gravel, provided, no gravel shall be so condemned within one thousand feet of any house or barn, or taken from any lawn, orchard or vineyard, and to remove the same from such bed or pit for the purpose of grading, repairing or otherwise improving such highways, together with the right of way to and from such bed or pit to be used for the purpose of such removal. The right to use such gravel or to take the same from any such bed or pit may be acquired under this section for two or more or all of the road districts of the town, in common; and if acquired for two or more or all of the districts, the commissioners of highways, with the approval of the town board, must make the purchase or acquire such right by condemnation. The amount agreed to be paid upon any such purchase, and the amount adjudged to be paid upon any such condemnation shall be paid by the districts in which such gravel shall be used, but the costs and expenses of the proceed-

ings for the condemnation incurred by the overseer, shall be a charge upon the town, and shall be audited by the town board, and paid the same as other town charges.

§ 2. If the town shall abandon for the period of three years any right so acquired to use any gravel bed or pit or to take gravel therefrom, or if the overseer of highways of any such district wherein any such right shall have been so acquired, or the commissioners of highways of the town shall cease to use the same for the purposes for which it was acquired, the right of the town and of such overseer and commissioners thereto shall cease, and the ownership thereof shall revert to and become vested in the owner of such bed or pit at the time such right was acquired, or his heirs or assigns.

Abandonment and reversion of rights acquired.

§ 3. This act shall take effect immediately.

CHAP. 310.

AN ACT to encourage and facilitate the draining of agricultural lands.

APPROVED by the Governor May 4, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever any owner or owners of agricultural lands desire to drain the same, or to reclaim and secure for tillage or other farming purposes, any low, marshy, or wet lands, by draining the same, the said owner or as many owners of such land as may join for said purpose under any agreement, contract or writing entered into by them, may, with the consent and under the supervision of the commissioners of highways of any town wherein the said lands are located, lay out and construct the necessary drains or ditches for draining such lands, so as to connect with and flow into the drains, ditches or other water-courses along or across any public road or highway, or through or under any sluice, or under any bridge upon any public road, or highway, provided that the draining of any land in such manner shall not endanger any such road or highway, or impede travel thereon on account of overflow. In case any additional quantity of water thus emptied into the highway ditches or other course for carrying off water be in excess of their usual capacity, the commissioners of highways are hereby authorized to so enlarge or cause to be enlarged, the said highway ditches or other courses that they can receive the waters thus drained into them, without damage, or danger of damage or obstruction to the highway.

Drainage of lands under agreement by owners.

Enlargement of highway ditches and courses.

§ 2. In case of any difference or disagreement arising over the laying out and construction of drains or ditches by the owners of adjoining lands, who have previously entered into an agreement for the drainage of any such lands possessed by them, as in the first section of this act mentioned, which agreement shall be in writing, the said owners may make in writing, in which all said owners interested shall unite, an application to the fence viewers of the town wherein the land to be drained is situated, to hear and determine the matters of difference between said owners, upon submission to said fence viewers, the said matters of difference, the same as touching any divisions of lands or farm lines for the building and maintaining of line fences, or any other matter which may now be by law submitted to said fence viewers.

Submission of differences to fence viewers.

View of
premises
and hear-
ing.
Legality
of agree-
ments.

And the said fence viewers shall, before making their report, view the premises or lands included within the area of the proposed drainage, and give opportunity to any party interested to be heard. And any agreement made by any of said owners for said submission to the said fence viewers, shall be held and construed as legal and binding upon the parties thereto, as any contract or agreement made for any lawful purpose.

Conclu-
sions and
findings of
fence
viewers.

Compensa-
tion.

§ 3. The conclusions and findings of said fence viewers shall be in writing, one copy of which shall be delivered to the applicants in every such proceeding, and one copy shall be filed in the office of the clerk of the town wherein the land proposed to be drained is located. The compensation or fees of said fence viewers in such proceeding, shall be the same as now allowed by law, in the case of establishing and maintaining line-fences and shall be paid by the parties making the application hereinbefore mentioned.

Drainage
when not
diversion
thereof.

§ 4. Where any water or drainage has been carried or directed by owners of lands as in this act provided, across, through or under said land to a point of intersection with the natural flow, drainage or outlet of water, upon the surface, along or by the side of any lands adjoining, but not embraced within the portion or district of land so drained as by this act provided, the same shall not be deemed as a diversion of any drainage or flow of water from the lands included within the area so drained.

Duty of
fence
viewers.

Applica-
tion, what
to contain.

Disquali-
fication of
fence
viewers.

§ 5. It shall be the duty of the fence viewers to act when called upon, in the manner and for the purpose hereinbefore provided, and they shall meet and proceed upon any application made as provided, within ten days after receiving the same; and said application shall contain a particular statement of all the matters and things upon which their action is requested, within the meaning of this act, by the parties to said application, but no fence viewer who is an owner of any land or has any personal interest in any matter involved in the proceeding, shall be competent to act; and in case of such disqualification of any said officer, his place may be filled by any justice of the peace of the town who may not be for the same reason disqualified, and whom the persons uniting in the application for such proceeding as provided, may agree upon.

§ 6. This act shall take effect immediately.

CHAP. 311.

AN ACT to amend chapter five hundred and seven of the laws of eighteen hundred and ninety, entitled "An act to establish boards of medical examiners of the state of New York for the examination and licensing of practitioners of medicine and surgery; to further regulate the practice of medicine and surgery."

APPROVED by the Governor May 4, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eleven of chapter five hundred and seven of the laws of eighteen hundred and ninety, is hereby amended so as to read as follows:

Exemp-

§ 11. This act shall not apply to any student who duly matriculated

in some legally incorporated medical college of the state of New York before the fifth day of June, eighteen hundred and ninety, provided that such student within three months after the enactment of this amendment shall file with the secretary of the board of regents of the university of the state of New York, a certificate setting forth the fact of such matriculation, verified by the applicant, and signed by the secretary of the faculty of the college in which he matriculated.

tion of
certain
students
from act.

§ 2. This act shall take effect immediately.

CHAP. 312.

AN ACT to amend chapter four hundred and fifty-two of the laws of eighteen hundred and eighty-eight, entitled "An act to authorize and empower the board of trustees of incorporated villages in this state to contract with electric light companies, organized under the laws of this state for lighting the streets and public grounds of said villages."

APPROVED by the Governor May 4, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter four hundred and fifty-two of the laws of eighteen hundred and eighty-eight, entitled "An act to authorize and empower the board of trustees of incorporated villages in this state to contract with electric light companies, organized under the laws of this state for lighting the streets and public grounds of said villages," is hereby amended so as to read as follows:

§ 1. The board of trustees of any incorporated village of this state, whether incorporated under the act entitled "An act for the incorporation of villages," passed April twentieth, eighteen hundred and seventy, and acts amendatory thereof and supplemental thereto, or by special charter or act, shall have the power and they are hereby authorized and empowered to contract for a term of one year or more with any electric light company, organized under the laws of this state, or with any person or persons, for lighting the streets and public grounds of such village; and the amount of such contract agreed to be paid shall be annually raised as a part of the expenses of such village, and shall be levied, assessed and collected in the manner that other expenses of said village are raised, and when collected shall be kept separate from other funds of said village, and shall be paid over to such electric light company, person or persons, by such trustees, according to the terms of any such contract; and any such contract entered into by the board of trustees of any village shall be valid and binding upon such village, providing, however, that no such contract shall be made for a longer period than five years nor for a greater sum in the aggregate than one and one-half mills for every dollar of the taxable property of said village per annum, unless the proposition for the same be submitted to a vote of the electors of such village in the manner provided by sections four and five of title four of chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, and approved by the majority of the voters entitled to vote and voting on such question at an annual election or at a special election duly called.

Trustees
authorized
to contract
for lighting
streets.

Annual tax
therefor.

Proviso as
to terms
of con-
tract.

§ 2. This act shall take effect immediately.

CHAP. 313.

AN ACT to amend chapter four hundred and fifty-one of the laws of eighteen hundred and sixty-seven, entitled "An act to incorporate the village of Mayville, in the town of Chautauqua, county of Chautauqua, and to repeal its present charter," as amended by chapter eighty-three of the laws of eighteen hundred and seventy-six.

APPROVED by the Governor May 4, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty of chapter four hundred and fifty-one of the laws of eighteen hundred and sixty-seven, entitled "An act to incorporate the village of Mayville, in the town of Chautauqua, county of Chautauqua, and to repeal its present charter," as amended by chapter eighty-three of the laws of eighteen hundred and seventy-six, is hereby further amended so as to read as follows:

Annual
village tax.

Additional
tax
upon vote
of electors.

§ 20. The trustees shall have power to raise by tax upon the taxable inhabitants of said village and the property therein liable to taxation, such sum of money as they shall deem proper, but not to exceed the sum of one thousand five hundred dollars in any one year, to be expended in the payment of the debts and expenses of the corporation, and to carry into effect the several powers and privileges granted by this act. The electors of said corporation, at an annual or special meeting thereof, may raise in addition to such sum by a vote of a majority of said electors voting at such election, a sum not exceeding one thousand dollars, to be expended as aforesaid, ten days notice of the intention to take such vote having been given by the trustees.

§ 2. Section thirty-nine of said chapter is hereby further amended so as to read as follows:

Powers of
trustees.

§ 39. The trustees shall have power to establish, make, regulate, repair, guard and protect public aqueducts, reservoirs, pumps and wells and to supply and provide for supplying the village with water to extinguish fires, by means of pipes and hydrants, or otherwise, to light the streets and public grounds in said village as they shall deem necessary for the welfare of said corporation and to regulate the same.

§ 3. This act shall take effect immediately.

CHAP. 314.

AN ACT to authorize the construction of a bridge, viaduct, arch and passageway over and across the ravine between the northern end of Garner street and the southern end of Division street, in the city of Cohoes, and to provide for the expenses thereof and of constructing the necessary approaches thereto.

APPROVED by the Governor May 4, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Commis-
sioners,
appoint-

SECTION 1. The mayor of the city of Cohoes is hereby authorized to nominate and appoint three reputable persons, who shall be res-

idents and freeholders of said city, commissioners to construct the bridge, viaduct, arch and passageway in this act provided for, and said commissioners shall be styled the "Garner street viaduct commissioners." Said commissioners shall hold office until the completion of said bridge or viaduct, and any vacancy occurring in their number by death, resignation, removal from the city, or other disability, shall be filled by the mayor of said city, by certificate under the hand of said mayor, filed with the city clerk. The said commissioners shall serve without any compensation for their services. The said commissioners are hereby authorized to construct or cause to be constructed, a stone bridge or viaduct, across the ravine between the northern end or terminus of Garner street and the southern end or terminus of Division street, in the city of Cohoes, as such streets are now laid out and opened in said city. Said bridge or viaduct shall be constructed by building and erecting a substantial stone arch over and across the railroad track now laid in the said ravine, which arch shall be of such height as to leave a clear passageway over said railroad track and fifteen feet on each side of the center thereof, of at least twenty feet. Said arch shall be not less than thirty feet in width, and sixty feet in length, and shall be connected on both sides thereof, by approaches of substantial stone retaining walls, with the present terminus of said Garner and Division streets. Said retaining walls shall be parallel to each other and shall be built so as to inclose a space of not less than thirty feet, measuring from the exterior of said walls. The space between said walls shall be properly and substantially filled in with wholesome earth or other material to the top of said walls, and so as to form a continuous street or passageway between Garner and Division streets, as the same are now laid out and opened, over and across the arch before mentioned, which shall be of a uniform width of not less than thirty feet, and the center line of which shall be a straight line drawn from the center of Garner street, at its present terminus, to the center of Division street, at its present terminus. The grade of said bridge and the approaches thereto shall be fixed and determined by said commissioners. Said bridge or viaduct shall be so constructed as to afford safe and easy passage for vehicles and teams, with sidewalks on each side of the carriageway for foot passengers. In order to secure the necessary foundations for said bridge and approaches, and to facilitate the erection thereof, said commissioners may make or cause to be made such openings and excavations in said Garner and Division streets as may be necessary.

ment, etc.
of.Power to
construct
bridge,
etc.Bridge or
viaduct,
how con-
structed.

§ 2. The said commissioners shall, within thirty days after their appointment, solicit by public advertisement, plans and specifications for said viaduct and may make such compensation as they may deem proper to persons furnishing plans therefor. The plans and specifications adopted by said commissioners shall be open for public inspection at such place as they may designate for at least fifteen days before the awarding of any contract for the construction thereof.

Plans and
specifica-
tions.

§ 3. When said commissioners shall have fixed upon a plan and specification for said work, and exposed the same for public inspection, they shall proceed to let a contract or contracts for the furnishing of the necessary materials and the construction thereof. They shall solicit bids or proposals for the doing of said work, by public advertisements in three newspapers, one published in Cohoes, one in Albany, and one in Troy, for such time as they may deem proper, but no contract shall be let until the expiration of five days after the last publication of such advertisement. The contract or contracts for such work shall be

Contracts.

Proposals.

Award of
contracts.

Engineer
and assist-
ance.

Not to be
interested.

Issue of
bonds.

Negotia-
tion of
same.

Proceeds,
disposition
of.

Advances
for expen-
ditures.

Tax for
interest
and princi-
pal.

Acquisi-
tion of
real estate.

Title
acquired
by con-
demna-
tion.

awarded to the lowest responsible bidder or bidders upon his or their executing a bond to said commissioners, in such amount as they may direct, not exceeding ten thousand dollars, which bond shall be approved as to form by the attorney of the city of Cohoes, who shall be the legal advisor of said commissioners, in all proceedings under this act. Said commissioners shall have power to employ an engineer and such clerical assistance as they may require. It shall be a misdemeanor for either of the said commissioners or any person employed by them to be in any way interested in any contract for such work or in furnishing materials for the same.

§ 4. It shall be the duty of the mayor and chamberlain of the city of Cohoes to borrow on the faith and credit of said city such sums as shall be required to pay the necessary expenses of constructing the said bridge or viaduct, and to issue the bonds of the city therefor, which bonds shall be signed by the said mayor and chamberlain, and shall be made payable at such place as they may select. Each of such bonds shall be in such amounts as said mayor and chamberlain shall designate, not exceeding one thousand dollars, and shall bear interest at not exceeding four per centum per annum, payable annually, and the principal thereof shall be made payable in six annual payments following the first issue thereof, so that one-sixth of the entire issue as near as may be shall be payable each successive year until the whole shall be paid. As fast as the money shall be required by said commissioners, they shall be negotiated by said mayor and chamberlain to the person or corporation offering the highest price or premium therefor, and the money realized on such bond shall be deposited with said chamberlain, who shall keep a separate account thereof, and shall pay therefrom upon the order of said commissioners or a majority of them such sums as shall be required for the expenditures authorized by this act. The said chamberlain is hereby authorized to make advances for the necessary expenditures by said commissioners upon their order or draft, from any funds in his possession prior to the issuing of the bonds herein authorized and to be reimbursed from the proceeds of subsequent sales thereof. It shall be the duty of the common council of said city to cause to be raised yearly, by tax upon the taxable property of said city, in the same manner and at the same time as the general taxes are levied, a sufficient sum to pay the interest on said bonds and such portions of the principal as may become due.

§ 5. It shall be lawful for the said commissioners, whenever they shall deem it necessary, to acquire any real estate over and upon which said viaduct and approaches are to be constructed, and said commissioners shall have power and authority to agree in writing with the owner of such real estate upon the amount to be paid for such real estate, and upon such agreement being made and upon the execution and delivery by such owners to the city of Cohoes of proper sufficient deed or deeds of conveyance of real estate so taken, which deed or deeds shall be approved as to form and sufficiency, by the city attorney, it shall be lawful for the chamberlain upon the order of said commissioners to pay the amount so agreed upon to such owners out of any moneys in his possession applicable as hereinbefore provided to the expenses under this act. In case the said commissioners shall not agree with such owners as hereinbefore provided, it shall be lawful for and the duty of said commissioners to proceed to acquire title to said real estate according to and in pursuance of the provisions of sections three thousand three hundred and fifty-seven, to three thousand three hundred and eighty-four, both inclusive of title first, chapter twenty-

third of the Code of Civil Procedure, as enacted by chapter ninety-five of the laws of eighteen hundred and ninety, entitled "An act to amend the Code of Civil Procedure," passed April fourth, eighteen hundred and ninety, and any amendments thereof. Such proceedings shall be instituted and conducted by the city attorney upon the direction of said commissioners, and no freeholder of the city of Cohoes shall for that reason be ineligible to be a commissioner in such proceedings; and in any such proceedings, where the mode or manner of conducting the same is not expressly provided for by the said act and amendments, the court before which such proceedings are pending shall have the power to make all necessary orders and give the proper directions to carry into effect the object and intent of this act.

Proceed-
ings, how
instituted,
etc.

§ 6. The whole amount that may be expended by the said commissioners under this act for the acquiring of the real estate and the building of said viaduct and approaches and the necessary expenses incident thereto shall not exceed the sum of fifteen thousand dollars, and before any expenditure therefor is made, (except the soliciting of plans and estimates of expenses of construction, which shall be paid by the chamberlain out of any funds in his hands applicable thereto), said commissioners shall make and enter upon their records a full estimate and statement of the total cost of said work, and shall advertise for bids as provided in section three of this act, and shall receive a bid which with the cost of real estate required, the building of the approaches and the expenses incident thereto shall not exceed the sum of fifteen thousand dollars, and shall enter into contract for the completion of the work in the manner and form provided in said section three. Said commissioners shall keep a full and true record of all their proceedings in a book to be provided for such purpose, and one of their number shall be designated as secretary for such purpose, and said record, when completed, shall be filed and preserved in the city clerk's office. The said viaduct, when completed, shall be the property of the city of Cohoes, and a public street and highway thereof, under the care and control of the common council of said city. No officer or other person in the employment of said city shall receive any compensation for services rendered by him under the provisions of this act.

Expendi-
ture,
limited.

Estimate
thereof.

Record of
proceed-
ings.

Viaduct,
city prop-
erty.

Compensa-
tion.

§ 7. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Repeal

§ 8. This act shall take effect immediately.

CHAP. 315.

AN ACT to amend chapter five hundred and twenty-three of the laws of eighteen hundred and ninety, entitled "An act in relation to the office of sheriff of the city and county of New York."

APPROVED by the Governor May 5, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter five hundred and twenty-three of the laws of eighteen hundred and ninety, entitled "An act in relation to the office of sheriff of the city and county of New York," is hereby amended so as to read as follows:

Sheriff,
salary of,
for certain
services.

Entitled
to one-half
of fees.

Under
sheriff and
deputies.

Deputies'
assist-
ants.

Duties of
under
sheriff,
etc.

Counsel.

Monthly
payment
of fees,
etc., into
treasury.

§ 1. From and after the first day of January, eighteen hundred and ninety-one, the sheriff of the city and county of New York shall be allowed a salary at the rate of twelve thousand dollars per year, which said salary shall be in full for all services and duties performed by the said sheriff in summoning jurors, transporting prisoners, certifying the number of convictions for crimes to the secretary of state, and for all other services performed by him either for the state of New York or for the city and county of New York; and for all other services and duties performed by the said sheriff for which certain fees are allowed, as specified and set forth in section seventeen of this act and the various subdivisions thereof, and in section thirty-three hundred and seven of the Code of Civil Procedure, the said sheriff shall be entitled to one-half of such fees to be paid to him as hereinafter provided. The under sheriff of the said city and county of New York shall be allowed a salary at a rate of five thousand dollars per year; and each deputy of said sheriff not exceeding twelve shall be allowed a salary of twenty-five hundred dollars per year; and each of these deputy sheriffs shall be allowed an assistant, to be appointed by the sheriff, who shall receive a salary of one thousand dollars per year. And the duties of the said under sheriff, deputy sheriffs and assistants shall be prescribed by the sheriff. This provision shall not relate to such persons as the sheriff may from time to time appoint to perform particular acts. The said sheriff may appoint counsel, who shall receive a salary of six thousand dollars per annum.

§ 2. Section three of chapter five hundred and twenty-three of the laws of eighteen hundred and ninety, entitled "An act in relation to the office of sheriff of the city and county of New York," is hereby amended so as to read as follows:

§ 3. All fees, percentages, commissions, compensations, poundages and emoluments specified and set forth in section seventeen of this act and the various subdivisions thereof, and in section thirty-three hundred and seven of the Code of Civil Procedure, collected by the sheriff of the city and county of New York, or by the under sheriff, or by any of the deputies, shall be accounted for and paid over monthly by the sheriff into the treasury of the said city and county.

§ 3. This act shall take effect immediately.

CHAP. 316.

AN ACT to amend chapter three hundred and seventy-five of the laws of eighteen hundred and eighty-nine, entitled "An act to provide for the construction of sewers in any incorporated village of this state."

APPROVED by the Governor May 5, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of chapter three hundred and seventy-five of the laws of eighteen hundred and eighty-nine, entitled "An act to provide for the construction of sewers in any incorporated village of this state," is hereby amended to read as follows:

Map and
plan of

§ 3. In case a plan and map of a permanent system of sewerage for any such village shall not have been approved by the state board of

health, the board of sewer commissioners of any such village, whether heretofore appointed or appointed under this act, shall, before taking any proceeding for the construction of any sewers under the provisions of this act, cause such a map and plan to be made of a permanent system of sewerage for such village, with such specifications of dimensions, connections and outlets or sewage disposal works, when necessary, as shall be approved by and filed with the state board of health; and, for that purpose, the board of sewer commissioners may employ a competent engineer and such other persons as said board of sewer commissioners may deem necessary, but the total expense thereof shall not exceed two thousand dollars, and the amount of such expenses shall be included in the next annual tax levy of such village as a part of the ordinary expenditures of the village, and shall be paid by the village treasurer upon the order of the board of sewer commissioners, signed by the president and countersigned by the clerk of such board. When such map and plan shall have been so completed and approved, a copy thereof shall be open to public inspection in said village, and notice thereof shall be published once a week for two weeks in two newspapers published in said village, or in one newspaper, if there be but one so published, or if there be no newspaper published in said village, then in a newspaper published, in the place nearest to said village in which a newspaper is published. Changes may be made in said map and plan of such system of sewers, provided each change shall be first approved by and filed with the state board of health.

sewerage system.

Expense thereof.

Copy open to inspection.

Notice thereof.

Changes.

Petition for sewer payable wholly by owners.

Notice of hearing persons interested.

Hearing and determination of board.

Contracts, if work ordered.

Assessment of expense.

Petition for sewer

§ 2. Section eight of said act is hereby amended to read as follows:

§ 8. Whenever a petition shall be presented to the board of sewer commissioners of any village signed by the owners of at least five hundred lineal feet of any of the lands fronting on any street, lane or alley through which a sewer is projected, on said plan of the sewerage system of such village for the construction thereof, to be paid for wholly by the owners of the lands specially benefited, then the said board of sewer commissioners shall cause at least ten days' notice to be given to the owners of lands fronting on such portion of said street, lane or alley of a time and place where said board of sewer commissioners will meet and hear persons interested for and against the construction of such portion of said sewer system. Such notice shall be served by the publication thereof in a newspaper of said village to be designated by said board of sewer commissioners, once in one week at least ten days before such meeting, and in case no newspaper is published in said village by posting said notice in five public places in said village at least ten days before such meeting. At such hearing said board of sewer commissioners shall take proof as to the persons signing said petition being the owners of a sufficient quantity of lands fronting on said street as herein required, and their determination after hearing such proofs that a petition for such sewer has been signed by persons owning at least five hundred lineal feet of lands fronting on any street, lane or alley through which a sewer is projected, shall be final and conclusive as to such fact and question. If, after hearing had in accordance with such notice, the said board shall determine to construct such portion of said system of sewerage the said board shall proceed to enter into contracts therefor in the manner prescribed by the sixth section of this act, and to apportion and assess the expense thereof upon the property specially benefited thereby in like manner and with like effect as herein provided in the seventh section of this act. In case it is desired to construct any sewer along any street, lane or alley which is less than five hundred feet in length, a petition signed by the owners of one-half of

less than
500 feet.

Sewer pe-
titioned for
through
different
streets,
etc.

the lands fronting on the line of said proposed sewer shall be sufficient for all the purposes of this act, and shall authorize the board of sewer commissioners to proceed and cause the same to be constructed as hereinbefore provided. In all cases where a petition is presented for the construction of a sewer through different streets, lanes or alleys through which a sewer is projected on said plan of the sewerage system of such village, said sewer for all the purposes of this act shall be deemed as one sewer, and such different streets, lanes or alleys shall be deemed and considered as one continuous street, lane or alley.

§ 3. Section fourteen of chapter three hundred and seventy-five of the laws of eighteen hundred and eighty-nine, entitled "An act to provide for the construction of sewers in any incorporated village of this state," shall be section fifteen thereof and a new section fourteen is hereby added to said act to read as follows :

Reassess-
ment, etc.,
of expense
in cer-
tain cases.

§ 14. If the board of sewer commissioners of a village, in which a sewer or portion of a sewer system shall have been constructed or hereafter may be constructed under this act, when a petition was duly signed and presented to them as required by the provisions of this act shall have failed or neglected through inadvertence or mistake, to have given any notice by this act required, such board may, at any time within one year, after the completion of such sewer or such portion of a sewer system, reassess and apportion the cost and expenses of constructing such sewer upon the lands specially benefited thereby by causing a notice to be served upon the owners of said lands, stating the cost of such sewer and a time and place within such village where said board of sewer commissioners will meet for the purpose of reassessing and reapportioning the cost of such sewer upon all the lands benefited thereby in proportion as nearly as may be, to the benefit and advantages which each owner shall receive thereby, which notice shall be served by the publication thereof once in each week, for two successive weeks, in at least one newspaper published in said village and by posting said notice in at least five public places in said village, and in case no newspaper is published in said village, the same shall be served by posting said notice in at least ten public places in said village at least ten days before the said meeting of such board of sewer commissioners. Said

Notice to
land
owners.

Meeting of
board and
reassess-
ment of
expense.

Copy to be
filed.

Notice of
completion
of re-
assess-
ment.

Appeals by
persons
aggrieved.

board of sewer commissioners shall meet at the time and place mentioned in said notice and at such other time and times to which they may adjourn and shall proceed to reassess and reapportion the cost and expenses of constructing said sewer upon the lands specially benefited thereby and upon the owner or owner* of such lands in proportion as nearly as may be to the benefits and advantages which each shall receive thereby. After such reassessment and reapportionment shall be completed, the same or a copy thereof shall be left with the village clerk and there remain for the period of ten days, and the said board of sewer commissioners, after they have delivered such reassessment and reapportionment to said village clerk as aforesaid, shall give public notice by posting the same in three public places in said village, stating that such reassessment and reapportionment have been made and completed, the officer to whom the same has been delivered and the place where the same will be open to public inspection for ten days thereafter. Any person who may feel aggrieved by such reassessment and reapportionment may, before said ten days' notice shall expire, appeal therefrom to the county judge of the county in which such village is situated, by serving the notice of appeal in the manner as

* So in the original.

provided by section seven of this act, and such appeal shall be determined in the manner provided by said section seven of this act, and all the provisions as to appeals from the first assessment as provided by section seven of this act, are hereby made applicable to appeals from the reassessment and reapportionment of said costs and expense of such sewer and shall be determined in the same manner and with the same force and effect. From and after the expiration of the time limited in which to appeal from such reassessment and reapportionment, in case no appeal is taken; and if an appeal is taken from and after the determination of the same, such reapportionment, reassessment and tax so reassessed shall be binding upon such owner or owners of said lands, and shall be a lien upon such lands to be enforced and collected in the same manner as other village taxes are collected.

Reassessment, etc., when binding and lien upon lands.

§ 4. This act shall take effect immediately.

CHAP. 317.

AN ACT to authorize the construction and maintenance of park boulevards in and near the city of Rochester, and provide for the cost and expense thereof.

APPROVED by the Governor May 5, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The park commissioners of the city of Rochester, in addition to the powers already granted to them by chapter one hundred and ninety-three of the laws of eighteen hundred and eighty-eight, and the amendments thereto, shall have power to select and locate such grounds in and near the city of Rochester, as may in their opinion be proper and desirable to be reserved, set apart or acquired for one or more public park boulevards, and for this purpose may take any part or parts of existing streets in said city and change the lines thereof, and may take by gift, or purchase, or may acquire by condemnation proceedings, such land or lands as may to them seem necessary for such purposes.

Selection and location of grounds.

§ 2. Whenever said park commissioners shall determine to lay out any park boulevard, they shall at a regular meeting of said commissioners by resolution declare such determination, and shall cause an estimate of the cost and expenses of such improvement* to be made, and they shall describe and declare the portion or part of the city of Rochester, which they deem proper to be assessed for the expense of such improvement, and if in the judgment of said commissioners a part of such expense should be paid by the city at large, they shall declare what part or portion of such expense shall be paid from the public treasury and what part or portion thereof shall be assessed on the territory declared by them to be benefited. Where the taking of land or the acquirement of a right or easement therein is necessary, it shall not be necessary to include the damage and charges therefor in the estimated expense.

Resolution, estimate, etc., of park commissioners.

§ 3. As soon as practicable after the adoption by said commissioners of a resolution as in section two herein provided, said commissioners shall certify to the common council of the city of Rochester a copy of

Resolution, etc., to be certified to council.

* So in the original.

such resolution, with a minute of all the proceedings relating thereto, containing a description of the proposed improvement, the estimated expense of the same, the proportion, if any, of the cost of such improvement to be paid from the public treasury, and the portion or part of the city to be assessed.

Consideration and action thereon.

§ 4. At a regular meeting of the common council of the city of Rochester, held after such resolution shall have been certified to it the said common council shall proceed to consider said resolution, and the improvement proposed thereby, and shall take action thereon in the same manner as action is had and taken by it on matters of public improvements under the provisions of the charter of the city of Rochester, except that it shall not be necessary for said common council to have any further estimate of the cost or expense of such improvement other than is furnished by such resolution.

Acquisition of lands.

§ 5. Whenever the common council shall determine to make any of the improvements in this act authorized, and it shall be necessary for the purpose of such improvement to acquire title to the lands of any person or corporation, the city of Rochester is hereby authorized and empowered to acquire such lands, or any rights or easements therein, that may be necessary, either by gift, purchase or condemnation proceedings, and whenever it may be necessary to acquire such lands by condemnation proceedings, the said proceedings shall be taken in the same manner and form as is had and taken by said city in acquiring land for the purpose of opening streets, under the provisions of the charter of the city of Rochester.

Lands taken in city's name. Control of same.

§ 6. Whenever the fee, or any right or interest in lands shall be acquired by the city of Rochester by virtue of this act, or the proceedings authorized herein, for the purposes of this act, such lands shall be taken in the name of the city of Rochester, but shall be subject to, and shall be under the management and control of the park commissioners, and shall become and be a part of the park system of said city.

Assessment of expense of improvement.

§ 7. Whenever the common council shall determine that the improvements recommended by resolution of the park commissioners shall be made, and that the whole or any part of the expenses of such improvement shall be defrayed by an assessment on the real estate, declared by said resolution of said park commissioners to be benefited thereby, it shall declare the same [by an entry in its minutes, and after ascertaining* as it deems proper the estimated expense of such improvement, it shall declare whether the whole or what portion thereof shall be assessed on such real estate specifying the estimated expense and the portion of the city deemed benefited by the improvement. When the estimate of the expense of such improvement, to be assessed, shall exceed in the aggregate, the sum of two thousand dollars, the expense of such improvement to be assessed may be paid one-third in cash, and the balance in the city's note at one and two years, with interest not exceeding six per centum, payable annually, and the city may get its notes discounted for a period not exceeding one year with which to make such first payment when such improvement is completed. The entire expense thereof and connected therewith shall be ascertained* by the city treasurer, together with the interest paid on the orders or notes issued by the city to pay the expense of such improvement; and interest on such sum shall be reckoned to the time the last installment of such assessment shall become due. The aggregate amount shall thereupon be reported to the common council, to adjust

Expense may be paid in cash and notes.

How ascertained and reported.

* So in the original.

and report to the assessors of said city the amount to be assessed upon the property benefited, as in this act provided, and it shall meet for that purpose. Persons so assessed who shall make any payment previous to the maturity of said last installment therein, shall be entitled to a discount at the same rate as if paid on the city's note issued to pay for such improvement. The common council may determine, at the time of fixing such amount to be assessed, if the sum shall exceed two thousand dollars, that the taxpayers pay their assessments, in not more than three equal payments, one-third within thirty days of the time that the treasurer shall advertise the same, as hereinafter provided one-third within one year, and one-third within two years from the confirmation of such roll. The city treasurer may, in his discretion, issue his warrant for the collection of any part of such assessment that may have become due.

Discount
on pay-
ments.

Asses-
ments may
be deter-
mined pay-
able in in-
stallments.

Warrant
for collec-
tion.

§ 8. The common council shall, thereupon, make an order reciting the amount of the expenses to be assessed, as aforesaid, and thereupon the assessors of said city if they are not interested in any of the property directed in the ordinance, or in any other subsequent resolution, to be assessed and not of kin to any person interested in any such property, and if any two of them are not so interested or of kin, then such two shall make an assessment upon all the lots and parcels of land within the portion or part of the city directed to be assessed, of the amount of expenses, in proportion, as nearly as may be, to the advantage which each shall be deemed to receive by such improvement, which order shall be certified by the clerk of the city and delivered to one of said assessors. The said assessors shall thereupon take action thereon, and proceed in the same manner, as if said assessment was an assessment for an improvement, authorized by the charter of the city of Rochester. The common council shall have power, instead of designating the city assessors to make such assessment, to appoint one or more special assessors for such purpose, who shall have the same powers and be subject to the same duties, and proceed in the same manner provided in reference to the city assessors. All assessments made under this act shall be collected in the same manner as provided in the charter of the city of Rochester for the collection of assessments for local improvements.

Order
reciting
amount of
expenses.

Assessment
of amount
by as-
sessors.

Special
assessors,
may be ap-
pointed.

Asses-
ments,
how col-
lected.

§ 9. Whenever the common council shall have determined to make any improvement authorized by this act, the park commissioners of the city of Rochester shall have sole power to execute the work necessary, and said improvement, and all matters and things appertaining thereto shall be under the control and management of the said park commissioners, and the said work may be done by said commissioners, either by contract or otherwise, as in the judgment of said park commissioners may seem best.

Work, etc.,
under con-
trol of com-
missioners.

§ 10. For the purpose of paying such part or portions of the expense of any improvement authorized by this act, which shall be declared payable out of the public treasury, the common council shall raise annually such sums as shall be reported by its finance committee as necessary for that purpose. The said finance committee shall ascertain and report the amount of money necessary for this purpose, in the same manner and at the same time that said committee ascertains and reports the sums necessary to be raised in each year for the various funds and departments of said city; and the common council shall raise the sum or sums necessary to be raised for the purposes of this act in the same manner and at the same time as are raised the various sums of money necessary for the various funds and departments of said city, and such

City's
share of
expense,
how
raised.

Park

boulevard
fund.

Drafts
upon
treasurer.

Annual
tax for
care of
boule-
vards.

moneys when raised shall be set apart by the treasurer of the city of Rochester, and credited to a fund to be known as the park boulevard fund said treasurer shall hold all such moneys on account of and for the purposes of the improvements herein authorized, and shall pay them out on order of the park commissioners and not otherwise. The park commissioners shall draw drafts upon the said treasurer, signed by the president and secretary, specifying the purpose for which they are drawn, and the name of the fund from which they shall be paid, and the said city treasurer shall pay the same out of the said fund.

§ 11. For the purpose of paying for the care and maintenance of said park boulevards after the same shall have been constructed, the common council of said city shall annually, upon the written application of the park commissioners, levy a tax upon all the lands abutting upon such park boulevards not exceeding, in any one year, the sum of ten cents per lineal foot front of all lands abutting on such park boulevards. The tax shall be apportioned equally upon all the lands, so on such park boulevards, and shall be collected at the same time and in the same manner, as the general city tax in said city. The amount of such tax, when collected shall be set apart, by the city treasurer of said city and credited to the said park boulevard fund.

§ 12. This act shall take effect immediately.

CHAP. 318.

AN ACT to authorize the city of Rochester to levy a tax for the purpose of erecting new school buildings.

APPROVED by the Governor May 5, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Tax for
new school
buildings.

SECTION 1. The common council of the city of Rochester is hereby authorized and empowered to levy a tax of forty thousand dollars in the general tax levy for the year eighteen hundred and ninety-one in addition to the amount provided for by subdivision six of section one hundred and twenty-nine of the charter of said city, as amended by chapter one hundred and sixty-five of the laws of eighteen hundred and eighty-eight, for the purpose of erecting new school buildings and purchase of the necessary sites therefor, during the year eighteen hundred and ninety-one.

§ 2. This act shall take effect immediately.

CHAP. 319.

AN ACT making an appropriation for the purchase of books for the court of appeals library at Rochester.

APPROVED by the Governor May 5, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. The sum of two thousand dollars is hereby appropriated for the purchase of books for the court of appeals library at Rochester

said books to be paid for by the treasurer on the warrant of the comptroller on bills therefor certified by a majority of the justices of the supreme court in the seventh judicial district.

§ 2. This act shall take effect immediately.

CHAP. 320.

AN ACT making an appropriation for the State Industrial School.

APPROVED by the Governor May 5, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of ninety-eight thousand seven hundred and fifty dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury belonging to the general fund not otherwise appropriated, for the State Industrial School, at Rochester, for the purpose of increasing its capacity and perfecting its appointments and equipments as a military and trades school, payable by the treasurer on the warrant of the comptroller to the managers of said State Industrial School from time to time, in such sums as the comptroller shall deem necessary to carry out the provisions of this act.

Appropriation.

How payable.

§ 2. The sum herein appropriated, or so much thereof as shall be necessary, shall be expended by the board of managers, with the approval of the president of the state board of charities, for the following objects, namely:

Apportionment of appropriation.

For furnishing the unoccupied north building throughout, and for repainting the woodwork and relaying the floor and improving the sewage, ninety-six hundred dollars. For constructing a gymnasium, and bath rooms, in one building, and furnishing the same, fourteen thousand nine hundred dollars. For constructing a building to be used as a drill hall, general assembly and recreation room, and for clothing lockers, twenty-four thousand seven hundred and fifty dollars.

For constructing a building with closets therein, connected with, the main building of the primary department, five thousand dollars.

For furniture and equipments for the school department and alterations thereof and for a library for the institution, five thousand dollars.

For the necessary materials, and completing the work for heating and furnishing the hospital, three thousand dollars.

For completing the construction of a new laundry, four thousand two hundred dollars.

For removing cells and reconstructing as open dormitories the interior of the east hall two thousand eight hundred dollars.

For an electric plant for the entire premises, fifteen thousand dollars.

For reconstructing the steam plant of the institution, and connecting the same with the drill hall and gymnasium, fourteen thousand five hundred dollars:

The various sums herein apportioned shall be expended for the particular purposes named in this act, but whenever in any case the amount specified is greater than is needed therefor, the excess may be expended.

Sums apportioned, how expended.

Condition
of expen-
diture.

Contracts
for work.

applied to any of the other objects herein enumerated; provided, there be a necessity for such application of such excess, but no part of the amount appropriated by this act shall be used for defraying any of the maintenance expenses of said industrial school. No portion of the sum herein appropriated shall be expended, except for procuring plans and estimates, until after a plan for the particular improvement to be made shall have been adopted by the board of managers and approved by the president of the state board of charities. It shall be the duty of the board of managers to let all work by contract, in so far as the same is practicable, and the same shall be let, after due advertisement, to the lowest responsible bidder or bidders, who shall give such bonds and sureties for the performance of the work according to the contract as shall be required by the board of managers and the comptroller of the state.

§ 3. This act shall take effect immediately.

CHAP. 321.

AN ACT making an appropriation for rebuilding the culvert under the Erie canal at Adams Basin in the county of Monroe.

APPROVED by the Governor May 5, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation.

How payable.

Plans.

Contracts for work.

SECTION 1. The superintendent of public works is hereby authorized to cause to be rebuilt the culvert under the Erie canal at Adams Basin, in the county of Monroe. The sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of carrying into effect the provisions of this act, and the state treasurer is hereby directed to pay the said amount or so much thereof as may be necessary upon the warrant of the comptroller, to the order of the superintendent of public works for the purpose herein defined, including necessary expense for advertising, inspection and engineering in connection therewith. Said culvert to be rebuilt in accordance with plans and specifications therefor to be prepared by the state engineer and surveyor.

§ 2. Said work shall be done upon contract executed by and between said superintendent of public works and the contractor or contractors to whom the work shall be awarded after due publication and advertisement, soliciting bids therefor based on plans and specifications to be prepared as above provided.

§ 3. This act shall take effect immediately.

CHAP. 322.

AN ACT to provide for the completion of the state armory at Albany, and making an appropriation therefor.

APPROVED by the Governor May 5, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The sum of sixteen thousand dollars, or so much thereof ^{Appropriation.} as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, for the completion of the armory at Albany, in the construction and placing of iron window guards, the erection of a gallery in the drill shed, the building of fences, the insertion of area gratings, the laying of the basement asphalt floor and the grading and laying of sidewalks, payable by the treasurer on the ^{How payable.} warrant of the comptroller upon the order of the commissioners appointed for the construction of such armory ; the work to be done and the materials to be purchased, so far as practicable, upon contract to ^{Contracts.} be entered into by the lowest responsible bidder or bidders therefor, after suitable advertisements, which shall provide that the cost thereof shall not exceed the limits of this appropriation.

§ 2. This act shall take effect immediately.

CHAP. 323.

AN ACT reappropriating money which was appropriated by chapter five hundred and thirty-one of the laws of eighteen hundred and eighty-eight, for the erection of an armory in the village of Middletown, and making an appropriation therefor.

APPROVED by the Governor May 5, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The balance remaining in the treasury unexpended of the sum of twenty-five thousand dollars appropriated by chapter five hundred and thirty-one of the laws of eighteen hundred and eighty-eight, "for the erection of an armory in the village of Middletown, Orange county," being the sum of twenty-five thousand dollars, is hereby reappropriated for the same purpose ; and the further sum of five thousand dollars is hereby appropriated out of any money in the ^{Appropriation.} treasury not otherwise appropriated, for the same purpose, to be expended in the manner provided by said chapter five hundred and thirty-one of the laws of eighteen hundred and eighty-eight.

§ 2. This act shall take effect immediately.

CHAP. 324.

AN ACT making an appropriation for the adjutant-general to enable him to replace the arms, uniforms and equipments of the Twenty-fourth separate company of the national guard.

APPROVED by the Governor May 5, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. The sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the public treasury not otherwise appropriated, for the adjutant-general to enable him to replace the arms, uniforms, equipments and other property heretofore destroyed by fire, of the Twenty-fourth separate company, national guard, state of New York.

§ 2. This act shall take effect immediately.

CHAP. 325.

AN ACT to legalize the action of the town meeting of the town of Lumberland in the county of Sullivan, in voting an appropriation of twenty-five hundred dollars or as much less as is necessary, to build a wire suspension foot bridge across the Delaware river at Mongaup and to authorize the raising of such amount by tax.

APPROVED by the Governor May 5, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Action of town meeting legalized.

SECTION 1. The action taken by the town meeting of the town of Lumberland in the county of Sullivan on the third day of March, eighteen hundred and ninety-one, in voting an appropriation of twenty-five hundred dollars or as much less as is necessary, to build a wire suspension foot bridge across the Delaware river at Mongaup, is hereby in all respects legalized, ratified and confirmed and the town board of said town of Lumberland is hereby authorized to raise by taxation a sum not exceeding twenty-five hundred dollars to be placed when raised in the hands of the commissioners of highways of said town of Lumberland and to be by them expended for the purpose aforesaid.

§ 2. This act shall take effect immediately.

CHAP. 326.

AN ACT re-appropriating money for the purchase of a library for the second division of the court of appeals.

APPROVED by the Governor May 5, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Reappropriation.

SECTION 1. The balance remaining in the treasury unexpended of the sum of ten thousand dollars appropriated in chapter five hun-

dred and seventy of the laws of eighteen hundred and eighty-nine, for the purchase of a library for the second division of the court of appeals, being the sum of three thousand eight hundred and fifty-six dollars and twenty-three cents, is hereby re-appropriated for the same purpose.

§ 2. This act shall take effect immediately.

CHAP. 327.

AN ACT to amend section six hundred and seventy-five of the Penal Code, relating to disorderly conduct on public conveyances.

APPROVED by the Governor May 5, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six hundred and seventy-five of the Penal Code is hereby amended so as to read as follows:

§ 675. Any person who shall by any offensive or disorderly act or language, annoy or interfere with any person or persons in any place or with the passengers of any public stage, railroad car, ferry boat, or other public conveyance, or who shall disturb or offend the occupants of such stage, car, boat or conveyance, by any disorderly act, language or display, although such act, conduct or display may not amount to an assault or battery, shall be deemed guilty of a misdemeanor. A person who willfully and wrongfully commits any act which seriously injures the person or property of another, or which seriously disturbs or endangers the public peace or health, or which openly outrages public decency, for which no other punishment is expressly prescribed by this code, is guilty of a misdemeanor; but nothing in this code contained shall be so construed as to prevent any person from demanding an increase of wages, or from assembling and using all lawful means to induce employers to pay such wages to all persons employed by them, as shall be a just and fair compensation for services rendered.

Disorderly conduct on public conveyances.

Acts not expressly forbidden.

§ 2. This act shall take effect September first, eighteen hundred and ninety-one.

When to take effect.

CHAP. 328.

AN ACT to authorize the city of Utica to raise money for the completion of the construction of an iron viaduct over Ballou's creek at Rutger street.

APPROVED by the Governor May 6, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for the city of Utica, and it shall have the power to borrow such sum as it shall deem necessary, not exceeding six thousand dollars, upon the corporate bond of the city of Utica, at a rate of interest not exceeding five per centum per annum, for the purpose of completing the construction of an iron viaduct over Ballou's creek on Rutger street in the city of Utica; being

City may borrow money upon bond.

Sale of
bond and
applica-
tion of
proceeds.

Bond and
interest,
when pay-
able.

Tax to pay
interest and
bond.

the viaduct authorized to be constructed by chapter one hundred and eighty-four of the laws of eighteen hundred and ninety. Said bond hereby authorized to be issued shall not be sold for less than par value, and said money shall be used for the completion of the construction of said viaduct under the direction of the said common council, when audited by it and for no other purpose.

§ 2. The said bond, principal and interest, shall be payable on the first day of November, eighteen hundred and ninety-six, and interest thereon shall be paid annually on the first day of November of each year, until and including the first day of November eighteen hundred and ninety-six. And said common council shall levy and collect as a part of and in addition to the annual city tax authorized by the city charter, such sum as may be necessary to pay the interest on said bond and principal when the same shall fall due, as aforesaid. The money so collected shall be applied to the payment of said bond, and the interest thereon, and for no other purpose.

§ 3. This act shall take effect immediately.

CHAP. 329.

AN ACT to amend chapter three hundred and ninety-two of the laws of eighteen hundred and seventy-two, entitled "An act in relation to the supreme court library at Binghamton."

APPROVED by the Governor May 6, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter three hundred and ninety-two of the laws of eighteen hundred and seventy-two, entitled, "An act in relation to the supreme court library at Binghamton" is hereby amended so as to read as follows:

Librarian. § 1. The librarian of the supreme court library at Binghamton shall be appointed by the justice of the supreme court residing in the city of Binghamton and shall hold his office during the pleasure of such justice.

§ 2. Section two of said act is hereby amended so as to read as follows:

His salary. § 2. The salary of said librarian shall be paid quarterly on the first days of January, April, July and October in each year and the amount thereof shall be fixed in the month of October in each year for the following year by the justice of the supreme court residing in the city of Binghamton, but such salary shall not exceed five hundred dollars in any year, which shall be paid by the county of Broome.

§ 3. Section three of said act is hereby amended so as to read as follows:

Subject to
directions
of resident
justice. § 3. Said librarian shall be subject to the directions of said resident justice and shall be governed by such rules and regulations as he shall make from time to time.

§ 4. This act shall take effect immediately.

CHAP. 330.

AN ACT to amend chapter four hundred and ten of the laws of eighteen hundred and eighty-eight, entitled "An act to regulate the keeping of intelligence offices, employment agencies, or other places where a fee is charged for the procuring of employment or situations, in the city of New York."

APPROVED by the Governor May 6, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter four hundred and ten of the laws of eighteen hundred and eighty-eight, entitled "An act to amend chapter four hundred and ten of the laws of eighteen hundred and eighty-eight, entitled 'An act to regulate the keeping of intelligence offices, employment agencies or other places where a fee is charged for the procuring of employment or situations in the city of New York,'" is hereby amended so as to read as follows:

§ 1. From and after the passage of this act no person shall engage in the business of keeping an intelligence office, employment bureau or other agency in the city of New York where a fee is charged for registration, or for the purpose of procuring, or assisting to procure employment, or situations of any kind, or for furnishing help to any person either in or out of said city, without first procuring a license therefor from the mayor of said city, under a penalty of not more than fifty dollars' fine for each offense, said fine to be imposed by a police magistrate, who shall have power to commit the person so offending, for a period not exceeding thirty days, in default of payment of said fine. And no license shall be granted for such purpose, except to persons of good general character, who shall be required to furnish to said mayor satisfactory proof of such fact. And in case any person shall be charged a fee, for the purpose of obtaining employment or a situation, by any such intelligence office or employment agency bureau, and it shall be proved that no such employment or situation was to be obtained, or any vacancies existing at the place to which such persons be sent, then the keeper of said office or agency shall be liable to said person for the fare paid by him or her in going to and returning from said place, and should the keeper of said office or agency fail to pay such fare, the mayor may revoke the license. Every keeper of such intelligence office, employment agency, or other place kept for the purpose of procuring employment or situations, is hereby required to give to each person, from whom they accept a fee a receipt, stating the amount so paid, and the character of the situation or employment they agree to procure for such person, and the name and address of the person or persons to whom the applicant is referred; and in case the applicant fails to procure or accept said situation or employment, then said intelligence office-keeper shall refund the full amount of such fee paid, to the person by whom such fee was paid at once, and that it shall be deemed a misdemeanor for any such intelligence office-keeper to receive or permit to be received, any money for any other purpose except as herein provided, and that every intelligence office-keeper is required to give to the employer a guarantee, to furnish a servant, for at least one month, for a fee paid, and in case of failure to furnish such ser-

Penalty for doing business without license.

Granting of licenses.

Liability of keeper, etc., for fares paid.

Receipts for fees.

Refunding fees.

Misdemeanor.

Guarantee to employer.

vant, such intelligence office-keeper must refund to the employer the full amount of such fee paid.

§ 2. This act shall take effect immediately.

CHAP. 331.

AN ACT to amend sections nine, thirty-eight and fifty-one of chapter thirty of the laws of eighteen hundred and eighty-five, entitled "An act to amend, revise and consolidate the several acts relating to the village of Oneonta, in the county of Otsego."

APPROVED by the Governor May 6, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section nine of chapter thirty of the laws of eighteen hundred and eighty-five, entitled "An act to amend, revise and consolidate the several acts relating to the village of Oneonta, in the county of Otsego," is hereby amended so as to read as follows:

Annual
village
election.

§ 9. The annual village election shall be held on the second Monday of March in each year from the hour of eight o'clock in the forenoon until six o'clock in the afternoon, at such place as shall be designated in the notice of such election. Whenever an election is to be held for said village the board of trustees shall give notice thereof for two weeks next preceding the time of holding such election by publication in the local newspapers, which notice shall state the time and place of holding such election and the object thereof. The village clerk shall also post a copy of said notice in one or more conspicuous places in each ward, at least twelve days before the day of holding such election.

Election
notices.

§ 2. Section thirty-eight of said chapter thirty of the laws of eighteen hundred and eighty-five, entitled "An act to amend, revise and consolidate the several acts relating to the village of Oneonta, in the county of Otsego," is hereby amended so as to read as follows:

Annual
tax for
highways,
etc.

§ 38. The trustees shall have power to raise by tax, as elsewhere provided for in this act, the amount of one and one-half per centum in addition to the sum raised by poll-tax and for highway labor annually upon the taxable property of the said village, said moneys so raised to be used for streets, walks, sewers, drains, paving and all other uses for improvement as well as for expenses and indebtedness of said village; and no debts or liabilities shall in any year be incurred, made or allowed for streets, walks, sewers and drains, paving, guttering or other improvements of any kind, which are not provided for in the tax-poll* or highway labor or poll-tax or other income of each year.

Restriction on in-
curring of
debt.

§ 3. Section fifty-one of said chapter thirty of the laws of eighteen hundred and eighty-five, is hereby amended so as to read as follows:

Annual
village tax.

§ 51. The trustees of the corporate village of Oneonta are empowered by this act to raise annually, by tax upon the real and personal estate appearing upon the assessment roll, one and one-half per centum of the assessed value of said village, or so much thereof as they shall deem proper for the expenses and uses of said village, in addition to the sum otherwise received as provided for in this act. Of the moneys so raised at least one thousand dollars thereof shall be annually paid

Payment

* So in the original.

in extinguishing the present indebtedness of the village, exclusive of the interest annually due on the said village indebtedness, until all the indebtedness of said village shall be paid. of indebtedness.

§ 4. This act shall take effect March first, eighteen hundred and ninety-two.

CHAP. 332.

AN ACT to authorize the trustees of the New York and Brooklyn bridge to make the footpath upon said bridge free to pedestrians.

APPROVED by the Governor May 6, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The trustees of the New York and Brooklyn bridge are authorized and empowered to make the footpath across the said bridge free to pedestrians, and to cease the exaction of tolls thereupon.

§ 2. This act shall take effect immediately.

CHAP. 333.

AN ACT making an appropriation for paying one-half of the cost of constructing a sewer from the premises of the Binghamton state hospital to a point below the rock bottom dam across the Susquehanna river.

APPROVED by the Governor May 6, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of fifty thousand dollars or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of paying one-half of the cost of constructing a sewer from the premises of the Binghamton state hospital in the city of Binghamton, to a point below the rock bottom dam on the Susquehanna river, upon plans and specifications to be prepared by the city authorities of said city and to be approved by the state engineer and surveyor; but no part of the sum herein appropriated shall be expended until the city authorities of said city shall secure a contract for the completion of such sewer upon said plans and specifications, and that the work shall be completed for an amount that shall absolve the state from any expenditures beyond the same* appropriated by this act. And it is hereby declared that all future cost for the care and maintenance of said sewer shall be borne by the said city of Binghamton. The sum herein appropriated shall be paid by the comptroller as the work progresses and as the same may be required upon satisfactory evidence produced to him that the contract is being faithfully executed.

§ 2. This act shall take effect immediately.

* So in the original.

CHAP. 334.

AN ACT to provide for the exclusion of the city of Ithaca from the first school commissioner district of Tompkins county.

APPROVED by the Governor May 6, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

City ex-
cluded
from dis-
trict.

District
estab-
lished.

SECTION 1. On and after the twenty-sixth day of July, eighteen hundred and ninety-one, the city of Ithaca shall not be included within the first school commissioner district of Tompkins county; but said first school commissioner district of Tompkins county, on and after said twenty-sixth day of July, eighteen hundred and ninety-one, shall consist of the towns of Danby, Enfield, Newfield and Ulysses, in said county of Tompkins, and that part of the town of Ithaca, in said county, which lies outside of the limits of the city of Ithaca.

Repeal.

§ 2. All acts and parts of acts that conflict with this act are hereby repealed.

§ 3. This act shall take effect on the twenty-sixth day of July, eighteen hundred and ninety-one.

CHAP. 335.

AN ACT for the conversion of Monroe county insane asylum into a state hospital, as provided in section fourteen, chapter one hundred and twenty-six of the laws of eighteen hundred and ninety.

APPROVED by the Governor May 6, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Transfer
to Roches-
ter State
Hospital.

SECTION 1. The institution heretofore established and now known as the Monroe county insane asylum is hereby transferred and intrusted to the care and management of the Rochester state hospital, which is hereby established.

Convey-
ance, how
made, etc.

§ 2. Conveyance by deed of said institution may be made in behalf of the county of Monroe to the state of New York by its board of supervisors of said property, including lands, buildings, appurtenances, equipments and furniture therein belonging to the county of Monroe at the sum of fifty thousand dollars. The comptroller is hereby authorized and directed to accept titles on behalf of the state in accordance with the report of the board created by section one, chapter one hundred and twenty-six of the laws of eighteen hundred and ninety, as transmitted to the legislature by the governor. For the purpose of purchasing said buildings and lands for such Rochester state hospital, as recommended in said report, the sum of fifty thousand dollars is hereby appropriated, and the treasurer of the state shall pay the same, on the warrant of the comptroller, to the treasurer of the county of Monroe, when the attorney-general shall certify and approve the deeds conveying the same to the state.

Appropriation
for
purchase
of build-
ings and
lands.

Board of

§ 3. The governor, by and with the advice and consent of the

senate, shall appoint nine citizens of the district in which such hospital is situated, three of whom shall be residents of the county of Monroe, as a board of managers of such hospital, and the governor shall designate, at the time of such appointment, their respective terms of office with reference to the following classification, namely: One of said managers shall serve for one year, one for two years, one for three years, one for four years, one for five years, one for six years, one for seven years, one for eight years and one for nine years, from the time of their appointment, and each shall hold no legislative or other state office during his term as manager, and shall be subject to removal at any time by the governor for cause. Their successors shall be appointed by the governor, with the advice and consent of the senate, and shall hold their office for nine years and be subject to removal in the manner aforesaid, and in the case of a vacancy in said board the governor shall appoint, by and with the advice and consent of the senate in manner aforesaid, to fill the unexpired term.

managers,
appoint-
ment,
terms, etc.,
of.

§ 4. The said managers shall have all the rights and powers and be subject to the same duties as are now possessed and imposed upon the managers of the Utica state hospital, and the Rochester state hospital shall be organized and governed by the laws organizing and governing the Utica state hospital, except as may be herein otherwise provided.

Powers
and duties.

§ 5. The managers shall annually report to the state commission in lunacy their operations and the actual state of the hospital, accompanied by the annual reports of the superintendent and treasurer, all of which shall be incorporated in the annual report of said commission in lunacy to the legislature. They shall appoint a treasurer, who shall reside in the city of Rochester, and give bonds for the faithful performance of his trust in such sum and with such sureties as the comptroller of the state shall direct and approve; also a medical superintendent who shall be a citizen of the state and a reputable physician of at least five years actual experience in a hospital for the insane.

Annual re-
port of
managers.

Treasurer
of board.

Medical
superin-
tendent.

§ 6. The superintendent shall appoint a steward and a matron, and such number of assistant physicians as the necessities of the hospital shall from time to time require, who shall constantly reside on the premises of said hospital and shall be designated the resident officers thereof; provided, however, the number of assistant physicians, exclusive of the woman physician now provided by law, shall not exceed one to every one hundred and fifty patients.

Steward,
matron
and assist-
ant phys-
icians.

§ 7. The managers shall, from time to time, determine the annual salaries and allowances of the treasurer and resident officers, subject to the approval of the state commission in lunacy, provided that such salaries shall not exceed in the aggregate, ten thousand dollars for any one year.

Salaries of
treasurer
and off-
icers.

§ 8. Immediately after the passage of this act, the trustees of said Monroe county insane asylum shall begin preparations to close up the affairs of the same; and upon the expiration of thirty days from and after the appointment of the managers under the third section of this act the said trustees shall leave the institution to the possession, control and management of said managers.

Trustees
of county
asylum,
duties of.

§ 9. Upon surrendering possession of said property to said managers the said trustees shall make out and file with the said managers a full and true inventory in duplicate, of all the property so to be transferred; and the said managers shall receipt for and take possession of such property, delivering to said trustees one copy of said inventory,

Inventory
of prop-
erty trans-
ferred.

receipted by their chairman and secretary, and shall transmit to the comptroller of this state the duplicate copy of said inventory so receipted; and thereupon the said trustees shall be relieved from further liability for the care and custody of such property so transferred.

Appropriation for maintenance, etc., of hospital.

§ 10. The sum of fifty thousand dollars is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the purpose of maintenance, officers' salaries, ordinary repairs, equipment and incidental expenses attending the organization of the hospital; and the treasurer shall pay the same, from time to time, to the order of said managers, on the warrant of the comptroller.

Terms of officers of asylum.

§ 11. Nothing in this act shall be construed to affect the tenure of office of any of the present resident officers of the asylum.

§ 12. All acts or part of acts inconsistent or repugnant to the provisions of this act are hereby repealed.

CHAP. 336.

AN ACT to amend chapter three hundred and twenty-one of the laws of eighteen hundred and ninety, entitled "An act to revise, consolidate and amend the laws relating to the registry of voters, except in the cities of New York and Brooklyn."

APPROVED by the Governor May 6, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter three hundred and twenty-one of the laws of eighteen hundred and ninety, entitled "An act to revise, consolidate and amend the laws relating to the registry of voters, except in the cities of New York and Brooklyn," is hereby amended so as to read as follows:

Board of registry.

§ 2. The inspectors of election of each election district shall constitute the board of registry thereof. In cities, each board shall hold four meetings before each general election, and before each city election for city officers, on the fifth, fourth, third and second Saturdays before the election, to be known respectively as the first, second, third and fourth meetings of the board for such election, and two meetings before each special election in any city on the second Saturday and last Friday before such election, to be known respectively as the first and second meetings of the board for the special election. Elsewhere than in cities each board shall hold two meetings before each general election, on the third and second Saturdays before the election, to be known respectively as the first and second meetings of the board for the general election. Each meeting shall begin at nine o'clock in the forenoon and continue until nine o'clock in the evening, with not more than two intermissions of one hour each. Immediately upon their assembling for the first meeting for any election, the board shall elect one of their number to be its chairman, who shall immediately administer to the other members of the board the constitutional oath of office, one of whom shall thereupon administer the like oath to the chairman. If a member fails to appear at any meeting of the board the other members of the board shall immediately appoint a qualified elector of the district of the same political party as the absent member, who, upon taking the

Meetings

Organization of board.

Appointment of electors in place of

constitutional oath of office, shall act in the place of the absent member until he shall appear. If two members fail to appear at any meeting of the board, the member appearing may appoint two qualified electors of the district who shall respectively belong to the same political parties as the absent members, who, upon taking the constitutional oath of office, shall act in the places of such absent members respectively until they may respectively appear. If no members of the board shall appear at any meeting within one hour after the same shall have been opened, the qualified electors of the district present, not less than ten may designate a qualified elector of the district to act in the place of each absent member, who shall be of the same political party as such absent member, and shall act in his place until he appears; and the persons so designated shall organize as a board, and take an oath of office in like manner as herein required of the members of the board.

absent member.

§ 2. Section four of said chapter three hundred and twenty-one of the laws of eighteen hundred and ninety, is hereby amended so as to read as follows:

§ 4. The board of registry of each election district at its several meetings for each election, shall prepare a list of persons qualified to vote in such district at such election, which, when finally completed, shall be known as the register of voters of the district for such election. In cities the names of such persons only as personally appear before the board and are so qualified shall be placed on such list at a meeting of the board for a general election or for a city election of city officers. At the first meeting of the board in a city for a special election, the board shall place upon such list all the names which appear upon the register of voters for the last preceding general election in the election district in which the board shall meet, except of such persons as shall have died or ceased to reside in such election district, or otherwise become disqualified to vote therein since such general election, and shall also at such meeting, and also at its second meeting for such special election, place upon such list the names of all persons so qualified, and who shall personally appear before the board at one of such meetings, but no new names which were not on such register shall be placed on such list except of persons who so personally appear. Elsewhere the board shall at its first meeting for any election, place upon such list the names of all persons qualified to vote in such district at such election, which appear on the poll list of the next preceding general election held in the district, and also the names of all other persons known or proven to the satisfaction of the board to be so qualified, and shall at each meeting of the board place upon such list the name of every person so qualified who personally appears before the board and requests to have his name placed thereon, but at the second and final meeting of the board the names of such persons only as personally appear before the board and are so qualified shall be placed on such list.

List of voters.

Placing of names thereon in cities.

Placing of names thereon elsewhere.

§ 3. Any board of registry in a city may appoint one clerk to assist in the performance of the clerical duties of the said board for not more than four days. Such clerk shall take the constitutional oath of office before he enters upon the performance of his duties.

Clerk, board may appoint.

§ 4. This act shall take effect immediately.

CHAP. 337.

AN ACT to authorize the board of claims to hear, audit and determine the claim against the state, of Nichols and Loomis for services as attorneys for the state in an action or proceeding against the board of managers of the Buffalo state asylum, brought by Timothy McDonough, and to make an award thereon.

APPROVED by the Governor May 6, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Board of
claims
may hear
claim.

SECTION 1. The board of claims is hereby authorized to hear, audit and determine the claim against the state, of Nichols and Loomis in the years eighteen hundred and seventy-nine and eighteen hundred and eighty, for services as attorneys for the state, in an action or proceeding against the board of managers of the Buffalo state asylum, brought by Timothy McDonough, and to make an award thereon, as though such claim had been filed within the time now provided by law.

§ 2. This act shall take effect immediately.

CHAP. 338.

AN ACT to provide for the appointment of an additional assistant district-attorney for the county of Kings and to provide for his compensation.

APPROVED by the Governor May 6, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Additional
assistant
district
attorney.

SECTION 1. The district-attorney in the county of Kings is hereby authorized and empowered to appoint an additional* district-attorney for said county, in the same manner as is now provided by law for the appointment of the present assistant district-attorneys; the compensation of such additional assistant district-attorney to be fixed and determined by the board of supervisors of said county

§ 2. This act shall take effect immediately.

CHAP. 339.

AN ACT making an appropriation for necessary repairs to the state normal college at Albany.

APPROVED by the Governor May 6, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. For the purpose of repairing the slate roof and gutters; for replacing cement roof with gravel or metal; for fitting and placing

* So in the original.

registers for eighty-five radiators; for repairs to heating apparatus; for replacing drains; for general carpentry work and material in making necessary repairs to wainscoting, doors, floors and fences; for painting smoke pipe; for making roadway and re-laying flag sidewalks; for tightening up trusses in the roof; for new sash in the assembly hall; for repairing book cases; for lining the fire boxes under the boilers; for placing three chandeliers in the assembly room; for the erection of a porch over the front entrance; for two hundred and fifty school desks, and for twenty pairs of oak blinds for the assembly hall, the sum of six thousand three hundred and eighty dollars is hereby appropriated to the state normal college at Albany; for kalsomining and decorating the walls and ceilings; for painting radiators, oiling floors and finishing all interior wood work, and the entire wood and metal work on the exterior, and for pointing up all brickwork, the sum of six thousand seven hundred dollars is hereby appropriated; to be expended under the direction of the local board of managers, and to be paid by the treasurer out of any money in the treasury not otherwise appropriated, on the warrant of the comptroller, on vouchers to be approved by the executive committee in charge of said state normal college.

How expended
and payable.

§ 2. This act shall take effect immediately.

CHAP. 340.

AN ACT to amend chapter one hundred and five of the laws of eighteen hundred and seventy, entitled "An act to incorporate the trustees of the orphan house and industrial school of the Holy Savior, near Cooperstown, New York."

APPROVED by the Governor May 6, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of chapter one hundred and five of the laws of eighteen hundred and seventy, entitled "An act to incorporate the trustees of the orphan house and industrial school of the Holy Savior, near Cooperstown, New York," is hereby amended so as to read as follows:

§ 3. The corporation shall be managed by a board of trustees, which shall consist of the bishop of the Protestant Episcopal church in the diocese of Albany, who shall be ex-officio president of the same, the rector of Christ church, Cooperstown, Susan Fenimore Cooper, during her lifetime, and nine other persons. Said nine trustees shall be elected by the annual diocesan convention of said diocese. At the first annual election held after the passage of this act, nine trustees shall be elected, who shall divide themselves by lot into three classes, three of whom shall hold office for one year, three for two years and three for three years. At each annual election thereafter, three trustees only shall be elected to hold office for three years. The board of trustees may fill any vacancy in the office of trustee by appointment to serve until the next annual election, at which time a trustee shall be elected to fill such vacancy for the unexpired term. By their corporate name said trustees shall be persons in law capable of suing and being sued, and they and their successors may have and use a common seal, and the same may alter and change at pleasure; may

Board of trustees.

Election and terms of trustees.

Vacancies.

Corporate powers.

Annual report.

Duties.

Term of present trustees.

make by-laws for the management of the affairs of said corporation not inconsistent with the constitution and laws of this state or the United States; may appoint servants and teachers for the institution under their charge, and allow them a suitable compensation for their services; may appoint a secretary and treasurer, and cause a record to be kept of the proceedings of the board of trustees in a book or books which shall be open to the inspection of the said convention, or any committee of the same; shall make an annual report to the said convention, showing in detail their proceedings, the condition of the property and funds intrusted to their charge, and their receipts and expenditures; shall conform to any instructions or directions of the said convention touching the management and care of said orphanage, and the property and funds of the same, provided the same shall be in writing and entered on the journals of the said convention. The trustees of said corporation who shall be in office at the date of the passage of this act shall hold the same until the annual election herein provided for and until their successors are elected.

§ 2. This act shall take effect immediately.

CHAP. 341.

AN ACT to provide for the removal for the Genesee street bridge over the Erie canal in the city of Utica, and for the erection of an iron bridge and hoist or lift bridges, with necessary approaches in its stead, and making an appropriation therefor, and authorizing the city of Utica to raise money for the construction thereof.

APPROVED by the Governor May 6, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Construction of bridges upon deposit by city.

Plans.

Bridges, how operated.

Appropriation.

SECTION 1. Whenever the city of Utica shall, by its proper authorities, deposit in some bank of deposit, which shall be approved by the superintendent of public works, the sum of fifteen thousand dollars, to be expended in the manner hereinafter described, which money shall be made payable to the order of the superintendent of public works, for the purpose hereinafter mentioned, the superintendent of public works is authorized to construct a suitable elevated iron bridge, with the necessary abutments and approaches thereto, having two roadways of not less than seventeen feet in width each, and also two lift or hoist bridges, one on each side of said iron bridge, such lift or hoist bridges each to have roadways of not less than seventeen feet in width, with a foot passage in addition for each, not less than eight feet wide. The plans for said bridge shall be prepared by the state engineer and surveyor, and be approved by the city surveyor of the city of Utica, and the said bridges when completed shall be operated under the direction of the superintendent of public works, and at the expense of the city of Utica. The sum of thirty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated for the purpose of carrying into effect the provisions of this act, and the state treasurer is hereby directed to pay the above amount upon the warrant of the comptroller to the order of the superintendent of public works for the purposes

defined by this act, but no part of the money deposited by the city of Utica shall be expended until the aforesaid sum of thirty thousand dollars herein appropriated shall be all expended for the purposes aforesaid. Any deficiency arising from the construction of the said bridges or the approaches thereto, or the abutments thereof, in excess of the sum of thirty thousand dollars herein appropriated, shall be paid by the said superintendent of public works, from the said money deposited by the city of Utica, nor shall the work be commenced until the city of Utica shall, in writing, release the state from any liability that may arise or occur from the change in the grade of the approaches to the said bridges. But no work shall be done or money expended under the provisions of this act until the same shall be let by contract to the lowest responsible bidder or bidders offering to do the same, after due advertisement thereof.

Deficiency,
payable
from city's
deposit.

Release of
state from
liabilities.

Contracts.

§ 2. It shall be lawful for the common council of the city of Utica, and it shall have the power to borrow such sums of money as may be necessary, not exceeding fifteen thousand dollars, upon the corporate bonds of the city of Utica, at a rate of interest not exceeding five per centum per annum, for the purpose of paying such additional expense, if any, necessary in constructing said bridges over Erie canal at Genesee street, in Utica, as shall be in excess of the sum appropriated, as provided in section three of this act. Said bonds, hereby authorized to be issued, shall not be sold for less than par value, and said money to be used in constructing said bridges and for no other purposes.

Bonds,
issue of,
by city.

Sale there-
of.

§ 3. The said bonds, principal and interest, shall be payable in the three annual installments of not more than five thousand dollars each, payable on the first day of November, of each and every year, until the whole thereof shall be paid, and said common council shall levy and collect as part of and in addition to the annual city tax authorized by the city charter, such sums as may be necessary to pay both principal and interest of the bonds, which shall fall due in each of said years aforesaid. The money so collected shall be applied to the payment of said bonds and the interest thereon, and for no other purpose.

Principal
and inter-
est, when
payable.

Tax for
payment
thereof.

§ 4. This act shall take effect immediately.

CHAP. 342.

AN ACT to provide for the clearing of the flow ground covered by the reservoir on the Black river above Forest Port, in Oneida county, and making an appropriation therefor.

APPROVED by the Governor May 6, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The superintendent of public works is hereby authorized to clear the flow ground that will be covered by water, upon the construction of a reservoir on the Black river above Forest Port pond, in Oneida county, for the purpose of storing water for canal purposes. The work of clearing said flow of ground shall be let by contract upon plans and specifications prepared by the state engineer and surveyor to the lowest responsible bidder after advertisement as hereinafter provided for.

Clearing
of flow
grounds.

Contract
and plans.

Appropriation. § 2. The sum of fifteen thousand dollars, or so much thereof as is necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the purpose of clearing the flow ground that will be covered by water, upon the construction of a reservoir on the Black river, above Forest Port pond, in Oneida county, for the purpose of storing water for canal purposes. Said moneys shall be paid on the warrant of the comptroller to the superintendent of public works for the purpose of carrying out the provisions of the first section of this act.

How payable. § 3. The superintendent of public works is hereby directed to advertise for sealed proposals for the completion of said work for three weeks in two daily newspapers published in each of the cities of Albany and Utica, one of which shall be the state paper, and said work shall be let by contract to the lowest responsible bidder, and shall be completed on or before October fifteenth, eighteen hundred and ninety-one.

Proposals, advertisement for.

Work, how let.

§ 4. This act shall take effect immediately.

CHAP. 343.

AN ACT to amend and consolidate the several acts in relation to the village of Moravia, in the county of Cayuga.

APPROVED by the Governor May 6, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

TITLE I.

Village boundaries

SECTION 1. All that part of the town of Moravia, county of Cayuga, and state of New York, which is contained within the following bounds and limits, namely : Beginning at the east or right bank of the Oswaco inlet, where said bank is intersected by the north line of lot number eighty-two in said town ; thence southerly along the said bank of said stream at its usual or mean height until it intersects the south line of the farm formerly owned by William B. Wormer on lot number ninety-two in said town ; thence easterly on said south line of said lands formerly owned by said Wormer to the east line of said lot number ninety-two ; thence south on said lot line to the southwest corner of land belonging to the estate of Philip Ercanbrack ; thence east on the south line of said Ercanbrack's land to the east line of lot number ninety-three ; thence north on said lot line to the lands of Samuel Spafford ; thence west to the southwest corner of lands formerly owned by Mary Day ; thence north to the north line of said lot number ninety-three ; thence west on said lot line to the center of the spring brook leading from a spring on lands formerly owned by Dwight Day ; thence northerly in a direct line to and in such direction that it shall strike the small pond or raceway of the stone grist mill at the south margin thereof, and at a point directly south of the center of the gap cut in the rocks and forming a waste weir to said grist mill raceway ; thence from that point on the south margin of said raceway and along the south bank of the mill pond and creek, as the same winds and turns, till it intersects Montville creek at its junction with Dutch creek ; thence across Montville creek and Dutch creek to the southeast corner of William E. Keeler's

farm ; thence northerly along the right bank of said Dutch creek to the southeast corner of W. H. Adams' land, formerly the Cady lot, and along said Cady lot to the north line of lot number eighty-three upon or near the summit of the right bank of Dutch creek ; thence west along the north lines of lots number eighty-three and eighty-two to the place of beginning, shall hereafter be known and distinguished by the name of the village of Moravia.

§ 2. The citizens of this state from time to time inhabitants within the aforesaid bounds and limits shall henceforth be a body politic and corporate, in fact and in name, by the name of "the Village of Moravia" by which name they and their successors may sue and be sued, complain and defend, answer and be answered unto, in all courts and places whatsoever, adopt and use a common seal, and alter it at pleasure, and take, hold, purchase, sell, assign, and convey any personal or real estate, as the purposes of the corporation may require.

Corporate name and powers.

TITLE II.

OF OFFICERS AND ELECTORS.

SECTION 1. The officers of said village shall consist of a president and four trustees, one treasurer who shall also perform the duties of collector, one clerk and such other officers as are hereinafter authorized to be appointed or elected, all of whom shall be inhabitants of said corporation and qualified to vote therein under this act ; which said officers shall be elected at the annual meetings in said village, for the election of officers, or at special meetings in said village, duly notified to be held, in accordance with the provisions of this act. A president, four trustees, one treasurer and one clerk shall be elected the first year. Each ballot voted by the electors must designate the officers to be elected, as follows:

Village officers.

Election thereof.

For president,
For trustees,
For treasurer,
For clerk.

Within eight days after the first election under this act the trustees elected shall meet, and, in the presence of the president and clerk, determine by lot which two of their number shall serve for one year and which two for two years; and thereafter two trustees and the president, clerk and treasurer, shall be elected in each year and shall hold their respective offices, the two trustees for two years, and the president, clerk and treasurer for one year, and until their successors are duly elected and qualified.

Terms.

§ 2. Every person residing in said village, who shall have been a resident thereof for thirty days next preceding any election under this act, and possesses the qualifications prescribed by the constitution to authorize him to vote for the election of officers, may vote at any election held in pursuance of this act ; but no person shall vote upon any proposition to raise a tax, or appropriate the same, at any meeting or election, unless he shall at the time be liable to be assessed for such tax.

Qualifications of voters.

§ 3. The first election under this act shall be held on the first Tuesday of February, eighteen hundred and ninety-two, and on said day in each year thereafter in said village, for the election of such officers as are herein provided to be elected; the trustees for the time being, or

Annual election.

Inspectors.

Canvass and certificate of result.	a major part of them, shall be the inspectors of such election and pre- side thereat. They shall canvass the votes given thereat; openly de- clare the result, and declare the persons receiving the greatest number of votes for the respective offices, duly elected to the respective offices to which they were chosen, and give a certificate of such result, signed by them, to the clerk of the corporation, who shall keep and record the same in the book containing the proceedings of the corporation which record shall be sufficient evidence of such result in all courts in this state. The term of office of such officers shall be as provided by section one of this act; but all officers so elected shall continue to hold their offices and perform the duties thereof, until others shall be duly elected and qualified to succeed them. All elections of officers under this act shall be by ballot, and the person having the greatest number of votes for any office shall be declared duly elected; all laws relating to general elections for state officers, as far as the same are applicable, shall be deemed to apply to all elections under this act, and the in- spectors of elections under this act shall possess the same power in all respects, as near as may be, as inspectors of election in towns possess. All elections shall be held in the engine-house in said village, or such other place within the corporation as the trustees may direct, and the polls of the election shall be open from ten o'clock in the forenoon till three o'clock in the afternoon. Notice of such election shall be pub- lished in the village newspapers for two weeks next proceeding.
Continuation of terms.	
Elections, how conducted, etc.	
Notice.	
Bond of treasurer.	§ 4. The treasurer shall, before he enters upon the duties of his of- fice, execute a bond to the village of Moravia in such penalty and with such surety or sureties as the trustees of said village shall approve, conditioned that he will faithfully execute the duties of his office, and account for and pay all moneys received by him pursuant to the pro- visions of this act, which bond with the approval of the president of said village indorsed thereon, shall be filed with the clerk of said village.
Failure to qualify, etc.	§ 5. If any person who shall have been duly elected to any office in said village pursuant to this act, shall not within ten days thereafter, signify his acceptance of such office, either by filing his written con- sent or his official oath, when such oath is required, with the clerk of said village, his neglect so to do shall be deemed a refusal to serve. And if any person having been an officer in said village shall not, within five days after notification and request, deliver to his successor in office all books, papers, property and effects of every description in his possession or under his control, belonging to said village or ap- pertaining to his office, he shall forfeit and pay for the use of said village, to be sued for and recovered in the corporate name of said village, the sum of fifty dollars, besides all damages caused by such neglect or refusal so to deliver, together with all costs and disburse- ments of the action.
Forfeiture for refusal to deliver books, etc., to successors.	
President, his powers and duties.	§ 6. The president shall be the executive officer of the village and shall have power to call special meetings of the trustees when he shall think proper, or when requested so to do by two of the trustees; and it shall be his duty to preside at all meetings of said trustees; to give a casting vote on any question on which the votes of the trustees are equally divided; to sign as such president all by-laws, rules, deeds, covenants and contracts made by the trustees in behalf of the said cor- poration, in all cases where, in his judgment, such instruments are not inconsistent with the provisions of this act; to see that all by-laws, rules, orders, regulations and ordinances, lawfully made by the trust- ees, are carried into effect and duly executed; to give the proper notice

of every annual or special meeting of the inhabitants of said village, held under the authority and for the objects specified in this act; to preside at all such meetings thus convened; to collect all fines, penalties and forfeitures incurred under this act, or any by-laws, rule, order, regulation or decision made in pursuance thereof, to commence and prosecute all such suits, in the name of the corporation, as shall be ordered or directed by the trustees; to pay all moneys which shall come into his hands for the use of said corporation to the treasurer thereof, and take his receipt therefor; to sign and direct the payment of all accounts and demands against the said corporation that have been audited and allowed by the trustees, and all other legal drafts and demands upon the treasury of the said village; and to do all such other acts and things as may appertain or belong to the duties of such presiding officer, or which the said trustees may legally require him to do.

§ 7. The board of trustees may, from time to time, appoint one or more fire wardens, and may designate a person not of their number to act as superintendent of the streets of said village to see that all orders of the said trustees in relation to said streets are properly carried out, which said officers shall hold their offices respectively during the pleasure of the board.

§ 8. The clerk shall attend and act as clerk to all meetings and elections of the inhabitants, and all the meetings of the board of trustees, record their proceedings, keep all books and papers and the seal of the corporation, and deliver the same to his successor in office on demand; and copies of all papers in his office, duly filed, and transcripts from records of the proceedings of the board of trustees, certified by him, under the corporate seal, shall be received in evidence in all courts and places, and shall have the like effect as if the originals were produced and proved; and for certifying the same he shall be entitled to receive six cents for each and every folio thereof from the person requiring the same. The books and papers in his custody shall always be open to the inspection of any and all persons. He shall attend to the publication and service of all notices, by-laws and ordinances, as the trustees shall direct; shall notify all officers of their election or appointment, and shall perform such other duties and acts as the trustees shall lawfully, from time to time, direct or ordain. He shall record all surveys made by the trustees, from time to time, of the boundaries of said corporation, and of all streets surveyed, laid out, altered, or determined or effected by order of said trustees, in a book to be provided for that purpose; and such record, or a copy thereof, duly certified by said clerk under said corporate seal of said village of Moravia shall be sufficient evidence in all courts and places of such surveys, determinations and other matters therein contained, and of the correctness thereof. And said trustees may allow to said clerk such compensation for his services as they shall deem proper, which compensation, when once fixed, shall not be altered by them so as to affect any clerk then in office; but such trustees and president shall perform their duties without compensation.

§ 9. The clerk shall keep a poll-list of all persons voting at any election under this act, and, in case of his necessary absence, he may depute some one to act in his stead, or the trustees, or a majority of them, may, for the time being supply the vacancy.

§ 10. The said treasurer shall receive all moneys belonging to said corporation, and pay out the same when properly required so to do, and shall render an account of the state of the finances to the trustees when-

Payment of moneys.	ever required by them, and shall deliver all books, papers and property of the corporation in his possession or custody, or under his control, to his successor in office on demand. No money shall be paid by the treasurer unless by a previous vote of the trustees and upon a check of the clerk, countersigned by the president or the person acting as president of said village for the time being; and the treasurer in his settlement with the trustees, shall be allowed for no moneys except such as have been paid by him as aforesaid.
Vacancies, how filled.	§ 11. Should a vacancy occur in the office of president, by reason of death, resignation, removal, failure to qualify, or otherwise, the same shall be filled by a special election therefor; but vacancies occurring in the office of trustee, clerk or treasurer, shall be filled by appointment, to be made by the president and trustees, the same not to extend beyond the next annual election. All appointments by the board of trustees under this act shall be by resolution entered by the clerk in the minutes of their proceedings. In case of a failure to elect a president or trustees at an annual election, or if from any cause there shall be no president or trustees, the clerk shall appoint the time and place for holding a special election in the usual manner, and appoint three inspectors of election, who shall officiate as such; and in case there shall be no trustees and no clerk, any six inhabitants qualified to vote under this act may appoint an election and three inspectors thereof; at any special election so called or called for any other purpose the said persons, clerk or trustee or president shall cause notice thereof, to be given by posting such notice in six public places within said corporation, for at least two weeks prior to holding any such election, or by publication in one of the newspapers published in Moravia village; and if at any time the president of said village shall be unable to attend to the duties of his office by reason of absence, sickness or other disability the trustees shall by resolution designate some one of their number to act in his place, and said trustee so designated shall possess all the authority and perform all the duties of president during such absence, sickness or other disability of the president.
Special elections.	
President pro tem.	

TITLE III.

THE TRUSTEES — THEIR POWERS AND DUTIES.

Control of finances, etc.	SECTION 1. The trustees shall have the control and management of all the finances, and of all the property belonging to the corporation, and shall have power within said village to make, establish, publish, alter, modify, amend and repeal all rules, regulations, ordinances, and by-laws, for the following purposes, namely:
Ordinances, etc.	
Preservation of peace, etc.	1. To prevent vice and immorality, and to preserve the peace and good order of said village, to prevent and punish drunkenness and disorderly conduct in public streets and places, and to restrain and punish vagrants, mendicants, street beggars, common prostitutes and disorderly persons, and to restrain and suppress disorderly houses and houses of ill-fame, gaming-houses and instruments and devices for the purpose of gaming.
Disorderly persons, gaming, etc.	
Amusements on streets.	2. To prohibit or regulate the rolling of hoops, playing at ball, flying of kites, sliding down hill on sleds, or any other amusement or practice having a tendency to annoy persons passing on the streets or sidewalks, or to frighten teams or horses in said village, and regulate or prevent the firing of guns or pistols, firearms, the firing of crackers,
Firing of guns, etc.	

rockets, squibs and fireworks in said village, or building any fire in any street in said village.

3. To restrain the running at large in said village of cattle, horses, swine, sheep, dogs, ducks and geese, by imposing such fine or fines therefor upon the owner, owners, possessor or possessors thereof, as they may think proper. Running at large of animals.

4. To prevent horse-racing, immoderate driving or trial of speed in any of the streets of said village, and to prevent and regulate the exhibition or exercise of any stallion or stallions in any of the public streets or places of said village. Horse racing, exhibition of stallions, etc.

5. To prevent and remove all incumbrances, obstructions and encroachments, from any cause whatever, upon the public streets, bridges, public squares or grounds, sidewalks or crosswalks of said village, and to cause the same to be removed, and the streets to be cleaned and kept in repair, and to prevent riding, driving or leading any horse or horses, team or teams, or cattle, with or without wagon, sleigh or other carriage, on any sidewalk of said village. Street incumbrances.

6. To apply so much of the moneys raised for highway taxes as they may deem necessary to defray and pay the expense of removing or scraping the snow, ice or dirt from the sidewalks and crosswalks in said village from time to time. Cleaning and repairing streets.

7. To compel the owner, or occupant or occupants, of any unwholesome house or place, to cleanse, remove or abate, or discontinue the use of the same whenever, in the judgment of the said trustees, it shall be necessary, for the health, comfort or convenience of any of the inhabitants of said village. Removal of snow and dirt.

8. To determine what are nuisances, and to cause the same to be removed, destroyed, prevented or abated. To regulate slaughter-houses, and buildings in which phosphate is kept, and to direct or prevent the use or location of the same. To regulate the ringing of bells, and provide for the winding, repairing, and keeping in order of a public clock. Unwholesome places.

9. To regulate or prevent all exhibitions, shows or performances of any kind or description, or authorize the same, by granting a license therefor, on such terms as the trustees may deem best, but in no case shall the license be more than twenty-five dollars. Nuisances.

10. To direct the manner of grading, making, pitching, leveling, paving and repairing sidewalks in said village, and to direct the manner of making all other improvements authorized by this act, and to fix the grade of all sidewalks, and to require, direct and regulate the planting, setting, and protecting ornamental or shade trees in any public square, grounds or streets of said village, and to fix penalties for the hitching of horses or other animals to shade trees, and for any injuries whatever to such trees, and to any and all public property of said village, or any property of public use or ornament in said village. Slaughter-houses, etc.

11. To survey the boundaries of said village, to survey and determine the boundaries of the streets in said village, and to make and establish a map thereof, and file the same with the clerk, and to designate and alter the name or names of said streets, or either of them, as often as they deem expedient, and to lay out, alter, or discontinue streets in said village in the same manner and with like effect as streets are now laid out, altered or discontinued by highway commissioners of towns. Public clock.

12. To enter, and authorize others to enter, in the day time, any building in the said village in which shall be a fireplace, chimney, stove or stove-pipe for the purpose of examining the condition of Exhibitions.

Sidewalks.

Shade trees.

Surveys and maps.

Discontinuation of streets.

Precautions against fires.

the same, and to make such regulations in regard thereto as a proper security against fires, shall in their judgment, be required from time to time and to regulate the keeping of ashes in said village safely.

Warrants
for collection
of
taxes, and
moneys.

13. To issue warrants for the collection of all taxes assessed and levied in said village, and for the collection of moneys unpaid for the making, grading, constructing, relaying or repairing sidewalks, authorized by this act, of the person who ought to pay the same, which shall be returnable in thirty days thereafter and to renew the same when necessary.

Notice of
elections.

14. To give notice in the manner required by law of the annual and special elections in said village, or cause the same to be done, and to preside at such elections.

Overseer
of highway
work.

15. To appoint or employ one or more persons to oversee the work done on the highways or streets of said village, and all other improvements which they are authorized to make, and to determine their duties and compensation.

Sewers and
drains.

16. To regulate sewers and drains at the sides of and in the streets of said village, and to prevent and punish the obstruction or filling up of any sewer or drain of said village.

Prosecu-
tions.

17. To cause prosecution upon any contract or liability in which the village is interested, or by fines or penalties imposed by this act, or by any by-law or ordinance of said village, and to enforce the collection thereof, and to settle or compound all suits, claims, ordinances for or against said village.

Settlement
of suits,
etc.

Attorneys
and
counsel.

18. To employ attorneys and counsel in the prosecution or defense of any action by or against the said village, or for the transaction of any business of the village requiring professional skill, and to fix by agreement the amount of their compensation, and pay the same out of any moneys belonging to said village.

Removal
of snow
and ice.

19. To compel the removal by the occupant, of any snow or ice, or both, from the sidewalk in front of any lot, within such time after notice, as they may direct, and provide proper penalties for a failure so to do.

Firemen.

20. To appoint and dismiss firemen and members of hook and ladder and hose companies, and to make regulations for their conduct and government; and to provide suitable rooms for their business meetings and furnish the same.

Records.

21. To provide for the care, custody and preservation of the records and public papers of said village.

Special
meetings.

22. To call special meetings of the electors, when in their judgment it shall be required to carry into effect any resolution lawfully adopted at any meeting of said electors.

Perform-
ance of
duties.

23. To see that officers of said village faithfully perform their duties and to prosecute any official bond for a breach in the condition thereof.

Reservoirs,
water
pipes, etc.

24. To construct and regulate reservoirs, hydrants, water-pipes, and public pumps and wells, and to prevent unnecessary waste of water of the same, and to carry out in all respects the contract with the "Moravia Water-Works Company," now existing, for furnishing water for said village, and to contract for additional hydrants and a further supply of water for said village when necessary, and if at any time the said "the Moravia water-works" shall come into the possession of said village, either under the present contract, or the said village otherwise become the owner thereof, with its franchise, and

Contract
for supply-
ing water.

Control,
etc., of

privileges, real estate and personal property, the said trustee* shall have and possess the full control and management as well outside as inside of the boundary of said village, and the said village shall be entitled to all the privileges and subject to all the powers of the laws of the state of New York in regard thereto.

25. To keep and maintain a watch by night in said village. To keep the engine-house in repair, and to furnish fuel and lights for the same, to maintain the lock-up therein, to purchase necessary hose, hose-carts, reels, hooks and ladders and truck and keep the same in repair, and to purchase every other article necessary for use in the extinguishment of fires; appoint a janitor for said building and prescribe his duties and compensation.

26. To provide for lighting the streets of said village, in any manner and with such material as they deem best.

§ 2. The trustees of said village may make, publish, ordain and amend all such ordinances, by-laws and regulations, not contrary to any law of this state, as may be necessary to carry into effect the powers given to them by this act, repeal the same, and enforce observance of all rules, regulations, resolutions, ordinances and by-laws made in pursuance of this act, by imposing a penalty or penalties, fine, or fines or forfeiture, on any person or persons, or corporations, violating the same, not exceeding for any single offense the sum of fifty dollars, to be recovered against the offender, with costs of suit, in a civil action in any court having cognizance thereof. Every such ordinance, by-law or regulation imposing any fine, penalty or forfeiture for a violation of its provisions, shall, after the passage thereof, be published in a newspaper printed in said village, in case there shall be one; if there shall be no newspaper printed in said village, then the clerk of said village shall post copies of such ordinances, by-laws or regulations, in five public places in said village; and proof of such publication, by affidavit of the printer or publisher of such newspaper or of the said clerk, of the time and place of such posting, taken before any officer authorized to administer oaths, and filed with the clerk of said village, shall be sufficient evidence of such publication or posting in all courts; and every such resolution or by-law or regulation shall take effect only from the time of such publication or posting.

§ 3. It shall be the duty of the trustees, each and every year, at the place and time when the annual election or meeting is held, to exhibit at such meeting or election a detailed statement of all moneys received by them or the treasurer, and the several sums paid out of them or under their direction, and for what purposes.

§ 4. The president and trustees, before entering upon the duties of their office, and each and every of them shall take and subscribe before some officer having power and authority to administer oaths, an oath or affirmation to support the constitution of the United States and of the state of New York, faithfully to discharge the duties of the office to which they shall have been elected to the best of their ability; and a neglect to take and subscribe such oath for ten days after notification of the election, shall be deemed a refusal of the person so neglecting to serve.

§ 5. The trustees shall have power from time to time, to prescribe the duties of all officers and persons appointed by them under this act, and fix their compensation, subject to the provisions of this act, and may remove all such persons so appointed at any time.

water-works.

Watchmen

Lock-up, engine-house and apparatus.

Street lighting.

General ordinances, etc.

Penalties, etc., for violation of ordinances, etc.

Publication of same.

Evidence thereof.

Annual financial statement.

Official oath.

Prescribing duties and fixing compensation.

*So in the original.

TITLE IV.

ASSESSMENT, LEVYING AND COLLECTION OF TAXES — HIGHWAYS, SIDEWALKS, STREET AND PUBLIC IMPROVEMENTS.

Separate
road dis-
trict.

Powers of
trustees as
highway
commis-
sioners.

Bridges,
building
and re-
pairing of.

Issue of
bonds
therefor.

Audit and
payment
of bonds.

Annual
estimate
of expen-
ses.

Poll-tax.

Annual
tax limit-
ed, etc.

SECTION 1. The said village is hereby declared a separate road district and exempt from the superintendence of the commissioner of highways of the town of Moravia, and the trustees of said village shall be commissioners of highways for said village and possess all the powers given by any law of this state to the commissioners of highways of towns, as far as the same may be applicable; and the said trustees for the purpose of improving the streets and bridges may from time to time, contract with or appoint an individual or individuals to construct or superintend the work and procure the materials directed by said trustees to be done and procured in and for said district, and may compensate such individual for his services and materials furnished out of the highway taxes or other funds in the treasury; the trustees having the direction as to the amount to be expended; and the work to be done, and the material to be procured, but the repairing and building bridges and approaches thereto in said district shall be a charge upon the said town of Moravia, and the commissioner of highways of said town of Moravia is hereby required to pay to the trustees of said village, each and every year hereafter, out of the highway moneys of said town, the sum of one hundred and twenty-five dollars, for the purpose of building and repairing the bridges and their approaches in said village, which money shall be used for no other purpose by said trustees, and whenever it is necessary to build a new bridge in said district, and there are not sufficient funds in the treasury arising from said one hundred and twenty-five dollars, to build the same, the trustees of said village are hereby authorized to cause the same to be built as a town charge and the commissioner or commissioners of highways of said town are hereby directed to pay for the same by issuing the bond or bonds of said town for the amount thereof payable on the first day of February then next, and the board of town auditors of said town are hereby required to audit and allow to the person holding said bond the amounts specified therein, which amount shall be included by the board of supervisors of the county of Cayuga at their annual meeting, in the rate of taxes for said county and town, and levied and collected as taxes are now provided to be levied and collected by law.

§ 2. The trustees shall meet within two weeks after they shall have been chosen, in said village, on such day at the engine-house in said village, or at such place as they may appoint, and afterwards at such times and places as they may choose, and determine the amount or sum of money which they shall deem necessary to defray the expenses attendant upon the making of streets, sewers, ditches, sluices and cross walks in said village, and to repair and to keep in repair the same, and for all other purposes for which this act provides to be paid out of such tax for the ensuing year, who shall then or at some subsequent meeting, proceed to apportion such sum among the persons and property liable to pay the same, as follows: Every male inhabitant of said village above the age of twenty-one years (except paupers, idiots, lunatics and persons whom the said trustees may exempt by reason of indigence), shall be assessed the sum of one dollar as a poll-tax, but it shall not be lawful for said trustees to raise by tax any greater sum than in any one year exclusive of the poll tax and the money

received from the town for bridge purposes than is hereinafter mentioned and for the following named purposes to wit; so much money as may be necessary to carry out the existing contract between said village and the Moravia Water Works Company, six hundred dollars or so much thereof as may be necessary to properly light the streets of said village, fifteen hundred dollars to defray the expenses of making and repairing the streets, crosswalks, sluices, ditches and sewers of said village, one hundred dollars or so much thereof as may be necessary to keep in repair the Moravia cemetery, for all the purposes enumerated in this and the preceding section; and when, in the opinion of the trustees it is necessary to raise any greater sum for the purposes provided to be used by this and said preceding section; the same may be raised under the provisions of sections sixteen, seventeen, eighteen, nineteen and twenty of this title, and under the provisions of chapter five hundred and four sections one and two of the laws of the state of New York passed in the year eighteen hundred and eighty-seven.

Greater
sum, how
raised.

§ 3. Every person owning or occupying any land in said village, and every corporation in possession of any land in said village, and all lands within said village owned by any non-resident of said village, of which there is no occupant, and every person resident of said village and every corporation whose business office is in said village being the owner or possessor of any personal estate in his, her or their own right, or as executor, administrator, trustee, assignee or guardian for another, and every male inhabitant above the age of twenty-one years, residing in said village at the time the assessment is made except as hereinbefore provided, shall be assessed to raise the sum deemed necessary by said trustees to make the streets, sewers, ditches, sluices and crosswalks, which shall be deemed necessary, and to repair and keep the same in repair in said village.

Who liable
to tax-
ation.

§ 4. Such sum so raised, except the poll-tax, shall be apportioned upon the estate, real and personal, of every inhabitant of such village, and every corporation therein, and land of which there is no occupant or owner residing in said village (excepting such real and personal estate as is exempt from taxation by any law of this state.)

Apportion-
ment of
tax.

§ 5. To raise the tax provided for by any of the preceding sections or provisions of this act the trustees shall first cause a roll of all persons and corporations, and non-resident lands liable to be assessed for such tax, to be made, together with the valuation of their real and personal estate, with columns prepared for the insertion of the poll-tax and for the taxes upon said real and personal estate; they shall then cause to be placed in such roll the poll-taxes imposed upon the persons liable therefor; they shall then apportion the residue of the amount to be raised among the several persons and corporations and upon the non-resident lands named in said roll, in proportion to the amount of real and personal estate assessed to each respectively. The valuations of taxable property shall be ascertained so far as possible from the then last assessment-roll of the town of Moravia, which valuations said trustees shall insert upon their rolls, and no person shall be entitled to any reduction in the valuation of such property as so ascertained, unless he shall give notice of his claim to such reduction, in writing, specifying in what particular, to the trustees of said village, and file the same with the clerk before they shall have made out said roll.

Tax roll.

Valuations
taken from
town roll.

Reductions
therein.

§ 6. In every case where such reduction shall be duly claimed, and in every case where the valuation of taxable property does not appear upon the said last assessment-roll of said town, the trustees shall ascer-

Valuations,
trustees to
ascertain.

Notice of
hearing
grievances.

Examina-
tions as
to reduc-
tions of
value.

Extension
of amounts
and deliv-
ery of
roll.

Taxes,
liens upon
lands.

Quorum
for tax
business.

Notice of
receiving
tax.

Commis-
sion for
collection.

Duty of
treasurer.

Warrant
for collec-
tion of

tain the true value of the property to be taxed, from the best evidence in their power, and when they shall have ascertained the same, as aforesaid, they shall give a written notice to the persons, corporation or corporations, the value of whose property has been thus ascertained, except the owners of non-resident lands, personally or by leaving it at his, her or their place of residence or business, stating the amount of such valuation; and if he, she or they feel aggrieved thereby, the said trustees will meet at such time or place as they may designate in said notice, not less than five days from that day, to review the same, on which day and place said trustees shall meet, and if such person or persons or corporation, or anyone, in his, her or their behalf, shall appear and apply to have such valuation reduced, it shall be the duty of said trustees to examine such person or persons so appearing, under oath to be administered by one of the trustees, touching the value of the property thus ascertained, and after such examination they shall fix the value thereof as they may deem just; but if such person or persons so appearing shall refuse to be thus examined, or to answer any question as to the value of such property or the amount thereof, which said trustees shall deem pertinent and proper, the said trustees shall not reduce the value thereof as by them before ascertained. The examination shall be taken in writing and subscribed by such person and filed by the clerk of said village; and any person who shall willfully swear falsely on such examination shall be deemed guilty of willful and corrupt perjury. The amount of tax to be paid by each person or corporation, and each property of a non-resident shall be entered in appropriate columns; and when taxes shall be entered therein and properly corrected, the roll shall be signed by said trustees, or by the major part of them, and then filed with the treasurer of said village, and then the same shall be evidence in all courts and places of the amounts and imposition of the taxes therein contained; and the taxes therein apportioned upon or in respect to any real estate shall be a lien thereon for the space of three years from the time the tax-roll is filed with the treasurer unless previously paid or collected. A majority of said board of trustees shall be a quorum to transact all business in relation to the imposition, apportioning or levying of taxes under this act, and no tax, or tax-list, or warrant shall be void for the reason that the whole of the board of trustees were not present when the same were imposed, levied or apportioned; provided a majority of said trustees were present or finally adopted and signed the roll.

§ 7. Upon receiving the tax-roll, the treasurer shall cause notices to be posted in five public places in said village, that such roll has been delivered to him, and that he will be ready at his office, or such place as he may designate within said corporation between nine and twelve in the forenoon, and two and four o'clock in the afternoon, of each day, except Sundays, for thirty days, then next ensuing, to receive payment of the taxes thereon, and that persons paying their taxes within that time will be charged only one cent upon the dollar and all fractions of the dollar, for the collection thereof. The treasurer shall, for thirty days after posting said notice, or some person in his behalf, attend daily, as in said notice specified; to receive the taxes on such roll, with such commission; upon receiving any tax, the treasurer shall write "paid" on the margin of the roll, opposite to the tax so paid, and shall give the person so paying a receipt if required.

§ 8. At the expiration of said thirty days, mentioned in the preceding section, the treasurer shall deliver to said trustees the said tax-roll

in his hands, who shall then annex their warrant under their hands and the seal of said corporation, directed to said treasurer, and deliver the same to him, authorizing and commanding him, within thirty days thereafter, to levy and collect the taxes thereon remaining unpaid with five per centum upon the dollar and all fractions of a dollar commission thereon. The said treasurer shall have and possess the like power and authority for levying and collecting the same under said warrant as collectors of towns possess in the collection of taxes, and he shall make return thereof to said trustees within thirty days thereafter.

§ 9. The treasurer may receive and retain for his own use, as part compensation for his services rendered therein, the commissions mentioned in sections number seven and eight of this title. And he shall from time to time deposit in a solvent bank, to be designated by the trustees, all moneys belonging to said village, that may come into his hands, and deposit the same as soon as received by him.

§ 10. If any of the taxes mentioned in the tax-roll shall remain unpaid, and the treasurer shall be unable to collect the same, he shall deliver to the trustees an account of the taxes so remaining unpaid, and upon making an affidavit before anyone of the trustees, who shall have authority to administer the oath to said treasurer, that the sum or sums mentioned in such amount remain unpaid, and that he has not been able, upon diligent inquiry and search, to discover any goods or chattels belonging to or in possession of the person or persons or corporation charged with or liable to pay such sum or sums of money whereon he could levy the same, the treasurer, in his account with the trustees, shall be credited with the amount of such unpaid, uncollectible taxes, and shall thereupon deliver the said account and his affidavit to said trustees at their next meeting.

§ 11. Upon the return of any unpaid taxes imposed upon any real estate to the trustees, they shall cause a copy of so much of the tax-roll as contains them to be published in a newspaper printed and published in said village, once in each week for four weeks, successively, with a notice that if said taxes are not paid to the treasurer within four weeks from the time of the first publication of said tax-roll and notice, the lands, if any, upon which or in respect to which they are imposed, will be sold at a time and place therein specified, at public auction, to the person who will take the same for the shortest period and pay the taxes, with the expenses incurred thereon, and of the sale. At the time and place specified, the treasurer shall sell the same at public auction to the person who will take the same for the shortest period and pay the taxes and the expenses incurred thereon, including attorneys' fees and charges; but no real estate shall, for any tax or assessment and expenses as aforesaid, be sold for a period exceeding twenty years, and each parcel of real estate shall be sold separately.

§ 12. Upon making any sale of real estate under the provisions aforesaid, the treasurer shall execute two certificates of the fact, providing, that if the owner or owners thereof, or some one on his, her or their behalf, shall not within fifteen months thereafter, redeem the same from the effect of the sale, by payment for the purchaser's use to the treasurer of the village, of the money paid thereon, with interest, at the rate of twenty per centum per year until paid, the purchaser will be entitled to a deed thereof; one of such certificates the treasurer shall file with the clerk of such village and deliver the other to the purchaser. During said fifteen months the owner or owners of such real estate, or any one in his, her or their behalf, may redeem the same from the effect of the sale by paying the treasurer for the use of such

unpaid taxes.

Powers of treasurer.

Compensation.

Deposit of moneys.

Return of unpaid taxes.

Notice of sale of lands for taxes.

Sale and manner thereof.

Certificate of sale.

Redemption of lands.

Deed to purchaser.	<p>purchaser the sum of money paid therefor, with interest thereon, at the rate of twenty per centum per annum until paid, or he may redeem an undivided part thereof by paying its proportion of such money and interest as aforesaid. In case the real estate so sold, or any part thereof, shall not be redeemed as herein provided, after the expiration of fifteen months from the time of making the sale, the treasurer shall execute to the purchaser or purchasers, his, her or their heirs or assigns a deed or deeds, therefor, or of the parts unredeemed, for the period for which the same shall have been purchased.</p>
Possession of lands.	<p>And the grantee in said deed shall take and hold the estate so purchased and conveyed, for the period for which the same shall be so purchased and conveyed, against all and every person whatsoever claiming the same, and shall be entitled to demand and receive, and retain the possession thereof, and of the rents, issues and profits of the same and hold the same against every person or persons whatsoever.</p>
Expenses of sale.	<p>§ 13. The expense attending the notice, sale and conveyance of real estate for unpaid taxes or assessments, shall be as follows: Printers' fees for advertising each parcel not to exceed twenty-five cents for each folio; treasurers' fees for attending sale giving certificate and deed to the purchaser, two dollars, and five per centum on the amount of tax, and the same fee shall be paid the treasurer whether he give the deed or not, together with such reasonable fees to the attorney (if one is employed), as the trustees may deem just.</p>
Redemption of lands owned by minors.	<p>§ 14. In case the real estate sold for any tax or assessment shall belong to any person under the age of twenty-one years, such person on attaining the age of twenty-one years, or within fifteen months thereafter, may redeem the same from the purchaser, his or her heirs or assigns, by depositing with the treasurer for his, her or their use, the amount for which the same was sold and the expenses paid by the purchaser for said sale, with fifteen per centum per annum thereon. The purchaser of any real estate sold for a tax or assessment, pursuant to the provisions of this act, or his, her or their heirs or assigns, may, within a reasonable time, not exceeding ninety days after any redemption made pursuant to the provisions of this act, remove any buildings or improvements by him, her or them erected thereon, or by his, her or their assignor, but in so doing shall commit no unnecessary damage.</p>
Removal of buildings and improvements upon redemption.	<p>§ 15. No real estate shall be sold under the provisions of this act for any tax or assessment after the expiration of one year from the time the treasurer shall have returned the tax-roll or list as unpaid or uncollected; but in case any tax shall be returned by the treasurer as unpaid or uncollected, by reason of the non-residence of the person bound to pay the same, or if for any other cause it cannot be collected, the board of trustees may add the amount thereof to the moneys authorized to be raised by tax in the succeeding year, against the property or person in default.</p>
Sales after one year prohibited.	<p>§ 16. Whenever in the judgment of the trustees it shall be necessary to purchase any real estate for the purpose of said corporation or for erecting a new engine-house, or for paving any of the streets or putting sewers through the streets of said village, to raise money, or for any other purpose not otherwise provided for in this act, the said trustees shall, in the notice of the annual or special meeting, duly called according to this act, set forth the amount in their judgment necessary to be raised, and for what purpose; and at such meeting a vote will be taken of the persons qualified to vote thereon, whether or</p>
Taxes added to roll of succeeding year.	
Special taxes, notice of meetings to vote upon.	

not a special tax for any purpose or purposes set forth in such notice shall be raised.

§ 17. Every such resolution adopted at any such meeting, directing any such tax to be raised, shall distinctly specify the objects for which such tax is raised, and the sum to be applied to each of such objects, and may direct the same to be raised in annual installments.

Resolutions adopted, what to specify.

§ 18. Any sum specified in any such notice may be reduced, but shall not be increased before the final vote directing the same to be raised, and the final vote to raise every such specific sum shall be separately taken, and shall be taken and entered by the clerk as separate resolution.

Reduction of sums.

Final vote.

§ 19. No person shall vote at any such meeting upon the question of raising any such tax, unless he shall be qualified to vote for village officers in said village, and shall own property liable to be assessed for taxes therein. The vote upon such resolution shall be conducted by ballot, or shall be taken by ayes and nays, and conducted in such manner as the trustees shall direct.

Qualifications of voters.

Vote, how taken.

§ 20. All special taxes voted to be raised by the inhabitants aforesaid shall be assessed, apportioned, levied and collected in the same manner, and the treasurer shall perform the same duties and receive the same compensation as is provided in this title for the assessment, apportionment, levying and collecting of taxes for streets and other purposes, except that no portion thereof shall be assessed as a poll-tax.

Special taxes, how assessed, collected, etc.

§ 21. It shall be the duty of the owner or owners, occupant or occupants of any lot or lots on any of the public streets in said village, to grade, construct, relay and keep in repair all sidewalks opposite and on the same side of the street with their respective lots, in such time, manner and of such materials as the board of trustees may, by a by-law, resolution or ordinance for such purpose, direct; and if any such owner or owners or occupants shall refuse or neglect to grade, construct, relay or repair the sidewalks adjoining such lot or lots when so directed, then and in either case it shall be lawful for the trustees, and it shall be their duty, to cause the same to be so graded, constructed, relaid or repaired by such person as they may employ or appoint for or on account of the owner or owners or occupant, as aforesaid; and such owner or owners or occupant shall be liable to pay the expense of such grading, construction, repair or relaying; and all sums so expended upon such sidewalks, not exceeding fifty dollars upon any one lot in any one year, after being audited by the board of trustees shall thenceforth be a tax to that amount upon every such lot, and thereupon it shall be lawful and the duty of the board of trustees to issue their warrant to the treasurer, returnable in thirty days, for the collection thereof of the goods and chattels of the owner or owners, or occupant, and, if such warrant shall be returned unsatisfied, in whole or in part, to advertise and sell such lot or lots in the manner prescribed in this title for the sale of real estate for the non-payment of taxes; and the purchaser or purchasers, owner or owners, and his, her or their legal representatives, shall have the same rights and privileges as are given by this title to the purchaser or purchasers, owner or owners, of real estate sold for the non-payment of taxes, and the collector (treasurer) shall be entitled to the same fees and commissions as in other cases.

Sidewalks, construction, repairs, etc., of.

Trustees may cause work done.

Expense a tax upon lots.

How collected, etc.

§ 22. The board of trustees shall defray the expenses of such grading, construction, relaying or repairing of sidewalks, when the owner

Expense, how defrayed

by trustees.

Lots, defined.

Notice to owners or occupants.

Proviso as to time for constructing, etc.

Recovery of expense by occupant or lessee.

Improvement of sidewalks adjoining lots of non-residents, etc.

Expense, how defrayed and collected.

Service of notice upon joint tenants.

or owners or occupant of any lot or lots shall so neglect or refuse, out of any moneys in the treasury which shall be reimbursed from the amount so to be collected from such owner or owners, or occupants, who shall so neglect as aforesaid; and each and every five rods in length or of any smaller piece of land fronting on the public street in said village shall be deemed a lot within the meaning of this and the twenty-first section of this title. The owner or owners or occupant of any lot or lots in front of which any sidewalk is ordered to be graded, constructed, relaid or repaired (if residents of said village), shall be personally served with a copy of such ordinance, resolution or by-law requiring the same to be done, which shall specify the time within which the same is to be done; and if said owner or owners or occupant shall neglect to do such grading, construction, relaying or repairing for thirty days after the expiration of the time mentioned in said notice he, she or they shall be deemed to refuse to do the same; but no such grading, construction, relaying or repairing shall be required to be done between the first day of December in any year and the first day of April thereafter.

§ 23. Whenever the occupant or lessee of any real estate in said village shall have been required, as above provided, to grade, construct, relay or repair any sidewalk, and shall do the same, he may recover the expense thereof of the owner of such lot by action, or set off the amount thereof against the claim for rent of the owner or owners of said premises.

§ 24. Whenever any sidewalk shall be required to be made or repaired, graded, constructed or relaid upon or adjoining any unoccupied lot of land, all the owner or owners of which shall be non-residents of said village, or unknown, and said owner or owners shall neglect or refuse so to grade, construct, relay or repair, after notice shall have been posted in five conspicuous places in said village for at least six weeks, and sent by mail to the post-office of such owner or owners where the same can be ascertained, it shall be the duty of the trustees to grade, construct, relay or repair such sidewalk, for or on account of such owner or owners, the expense of which shall first be paid out of any funds in the treasury of said village, not raised or voted for a specific purpose, and shall then be a lien in favor of said village upon such lot, for which the same may be sold in the same manner, by the same person, and with like effect as is provided in this act in cases of sales for the non-payment of taxes, and the purchaser or purchasers, owner or owners, his, her or their legal representatives, shall have the same rights and privileges as are given by this title to the purchaser or purchasers, owner or owners of real estate sold for the non-payment of taxes.

§ 25. Whenever any real estate in said village is owned or occupied by more than one person, jointly or as tenants in common, it shall be sufficient to serve any notice or copy of any ordinance required to be served by this act on any one of such persons.

TITLE V.

OF THE PREVENTION AND EXTINGUISHMENT OF FIRES.

Powers of trustees in prevention etc., of fires.

SECTION 1. The board of trustees shall have power to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus, used in any building or manufactory, and cause the same, if in their opinion any of them

have been improperly constructed, or are not in proper condition or repair, to be removed or placed in safe condition; and they may prevent the deposit of ashes in unsafe places or improper vessels. The trustees shall also have power to authorize fire wardens and other officers of said village, to keep away from the vicinity of any fire all idle or suspicious persons, and to require all persons present to aid in the extinguishment thereof, and in the preservation of property, and generally to establish such regulations for the prevention or extinguishment of fires as the trustees may deem expedient.

§ 2. The trustees shall procure from time to time, such fire engines and other apparatus necessary to be used in the extinguishment of fires as they shall deem necessary, and shall have the charge and control of the same and provide fit and suitable engine-houses and other places for keeping and preserving the same, and shall have power to organize fire, hook and ladder, hose and bucket companies, and appoint a suitable number of able and proper inhabitants of said village as firemen, and to have the care and management of the engines, hooks, hose and other apparatus and implements so purchased and kept as aforesaid; to prescribe the duty of firemen and to make rules and regulations for their government, and to impose such reasonable fines and forfeitures upon such firemen for a violation of the same as the trustees may deem expedient, and for cause to remove or disband them and appoint or organize others in their places, and may, from time to time, raise by tax upon the taxable property in said village a sum sufficient to carry out the provisions of this section.

Fire engines and apparatus.

Engine houses.

Fire companies.

Tax for purposes herein.

§ 3. The trustees shall prescribe the powers and duties of fire wardens. The firemen appointed by virtue of this act shall, during, the term of their service as such, be exempt from serving on juries or in the militia, except in case of war, invasion or insurrection, and also from a military and poll tax. The name of each person appointed a fireman shall be registered with the clerk of said village, and the evidence to entitle him to exemption made by this act shall be the certificate of said clerk for the year in which such exemption is claimed.

Fire wardens.

Exemption from jury and militia duty.

§ 4. The fire department of said village shall annually elect a chief engineer and two assistant engineers, subject to the approval of the board of trustees.

Chief engineer and assistants.

TITLE VI.

MISCELLANEOUS PROVISIONS.

SECTION 1. All actions brought to recover any fine, penalty or forfeiture, under this act, or the ordinances, by-laws, rules, regulations or resolutions made in pursuance of it, shall be brought by the president for the time being in the corporate name, before some justice of the peace of the town of Moravia, residing in said village; and in such action it shall be lawful to complain, generally, for such fine, penalty, or forfeiture, stating the section of this act, or the by-law, ordinance, rule, regulation or resolution under which the fine, penalty or forfeiture is claimed, and give the special matter in evidence; the defendant may plead or answer, denying generally the allegations made in the complaint; and give any special matter in evidence; the first process to commence any such action before a justice of the peace, may be either by summons or warrants returnable as in ordinary cases and

Actions to recover fines, etc., how brought, etc.

Execu-
tions,
issue of.

Costs.

Compe-
tency of
judge,
juror, etc.

Property,
etc., vest-
ed in cor-
poration.

Highway
moneys.

Poll-tax,
working of
same out
on high-
ways, etc.

Forfeiture
for refusal.

Blank
books.

Contracts
for print-
ing.

Incurring
of debt.

Cemetery,
title to,
confirmed.

Real estate,
and powers
of trustees
as to.

execution may issue on any judgment so rendered as in other cases; if the defendant in any such action has no goods and chattels whereof the judgment may be collected, the execution shall require the body of the defendant to be taken by the constable and imprisoned in the county jail of Cayuga county for thirty days unless otherwise legally discharged. In all cases where the verdict imposes a fine or penalty, or where the defendant is discharged, costs, as regulated by any statute of this state shall follow the verdict and be added to and form a part of the judgment.

§ 2. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant or freeholder of said village, in any action or proceeding in which said village is a party interested, nor shall it be necessary, when said village is a party defendant in any court of record of this state, to procure an order from any judge or court permitting said village to defend, but it may answer and defend any such action the same as an individual could.

§ 3. All the personal or real estate or moneys now belonging to the village of Moravia shall be, and hereby is vested in the corporation created by this act, and shall be held, paid out or disbursed by the trustees of said corporation pursuant to the provisions hereof.

§ 4. The trustees shall have power to lay out the money raised for highway purposes in any and all the streets of said village and on the highways thereof as they shall deem proper; and every person who shall be assessed for a poll tax, and who is not assessed for any property, shall work the same out on the highway and streets in said village at one dollar a day, unless he shall pay into the treasury the amount so assessed. The person or persons, so appointed to conduct the work to be laid out in said village shall have the same powers as overseers of highways of towns possess, to warn such persons assessed only for a poll tax residing within said village to work on such streets and highways, and in case any such person, duly notified, shall not pay his tax into the treasury, and shall neglect and refuse to appear and work as afore-
said, he shall forfeit and pay for every day's refusal or neglect, two dollars, and it shall be the duty of such person so appointed, and he shall possess the power to make complaint, and take such proceedings for the recovery and collection of such forfeiture as is conferred upon said overseers of highways by any statute of this state, and the money, when collected, shall be paid into the treasury of said village.

§ 5. The trustees shall possess the authority, and it shall be their duty to procure such blank books for the use of said village as they may deem proper, and contract for such printing as the uses of said corporation may require and they may deem expedient; the payment for which may be made out of any moneys raised by said trustees.

§ 6. The said village shall have no power to borrow money, nor shall it be liable to pay for borrowed money or money advanced on its account, nor shall said village incur any debt or liability beyond the taxes assessed, and applicable to the payment of such debt or liability, when the same is incurred.

§ 7. The title to the Moravia cemetery, heretofore acquired by the village of Moravia, is hereby confirmed in the corporation created by this act, and said village is hereby authorized to take and hold any real estate necessary for cemetery purposes, by purchase, gift, grant or devise, and when acquired the trustees may cause the same to be surveyed into lots for burial purposes and may then sell and convey such lots to purchasers, to be used for no other purposes, and the money received upon such conveyance shall be paid into the treasury

to be used for repairing or improving said cemetery, the purchaser or purchasers of said lots and their heirs and assigns, shall take and hold the same for such purpose aforesaid, and no other, and subject to such rules, by-laws and regulations as the trustees may prescribe; and said lots shall not be subject to taxation, except for improving and repairing the said cemetery and its fences, nor to levy or sale on any execution; and all of the provisions of chapter one hundred and seventy-seven of the laws of eighteen hundred and eighty-six in regard to Moravia cemetery, and the duties of the trustees of said village and their rights and privileges are hereby declared to be and shall continue to be in full force and effect in said village.

Lots, exempt from taxation, etc.

Act of 1886 to apply to.

§ 8. The trustees may appropriate any moneys in the hands of the treasurer, not raised by a special tax for a specific purpose, to the payment of the compensation of all persons and officers for services performed by them where compensation is provided for by this act, and for the payment of all printers' fees and publishing, under this act, and the printing in pamphlet form of this act, and the by-laws, rules, ordinances and regulations made by said trustees, and for the purchase and repairing of all tools and implements used in working the streets of said village, and in cleaning the streets and sidewalks of said village and for all surveys contemplated by this act, and all other expenses incurred by any provision of this act, and for the payment of counsel fee to counsel employed or retained in behalf of the corporation or of any of its officers, in the prosecution of any person or persons, or corporation, for any fine, penalty or forfeiture under this act, or any by-law, rule, resolution or ordinance of the trustees, made in pursuance of this act, or for the defense of any action brought against said corporation, and all expenses attending the passage of this act.

Appropriation of moneys.

§ 9. All former acts and parts of acts relative to the incorporation of the village of Moravia, and all laws in conflict with this act which might affect said village, are hereby repealed, except the act chapter one hundred and seventy-seven, of the laws of eighteen hundred and eighty-six, but such repeal shall not affect any act done, privilege granted or right secured or established previous to such repeal.

Repeal.

§ 10. This act is hereby declared to be a public act, and the same shall be construed benignly for every beneficial purpose therein contained or intended.

Public act.

§ 11. All resignations of officers under this act shall be made to the board of trustees, subject to their acceptance, and any officer removing from the limits of said village, shall thereby vacate the office to which he shall have been elected or appointed under this act.

Resignations.

§ 12. All fines, forfeiture and penalties, and all moneys received for licenses under this act, shall be paid to the treasurer of said village; and all fines and penalties imposed by any justice of the peace residing in said village for any act committed within said village, which by any law of this state is made a crime or misdemeanor, shall be paid by said justice to the treasurer of said village, and may be appropriated by said trustees to any purpose consistent with this act; and the said justices or justice shall report at least once in each year the amount of such fines and penalties, and the persons on whom they were imposed, to the said trustees.

Fines, etc., payment of, to treasurer.

Report of fines, etc.

§ 13. Special meetings of the inhabitants of said village may be called by the trustees thereof, by advertising the same for three successive weeks in a newspaper printed and published in said village, and

Special meetings of inhabitants, how called.

if no newspaper be so printed and published, then by posting five copies of such notice, signed by said trustees, in so many of the public places in said village, at least three weeks prior to the time for holding such special meeting, the notice of such special meeting shall state the object of such meeting.

Com-
mis-
sioners of
deeds, ap-
pointment
and powers
of.

§ 14. The said trustees of said village shall have power and authority to appoint not more than four commissioners of deeds in and for said village; which said commissioners, and each and every of them, shall have power and authority, within the county of Cayuga, to administer oaths and affirmations and take affidavits, to be read and used in all courts of this state, with the same force, authority and effect as though the same were taken before any justice of the peace of said county, and also to take and certify acknowledgments and proofs of deeds, and all other instruments in writing, which are by law authorized to be recorded; and the said deeds, or other instruments in writing when so proved or acknowledged before any of said commissioners, and duly certified by such commissioner, shall be entitled to be recorded and read in evidence, the same as though taken before any justice of the peace of said county, or other officer now authorized to take the same. Such appointments, under the hands of said trustees, or a majority of them, and, when so made, shall be certified by the clerk of said village, under the seal of the said corporation and filed in the clerk's office of Cayuga county. Before any of said commissioners shall enter upon the duties of said office, he shall, before the clerk of said county, take and subscribe the official oath required by article twelve of the constitution of this state. Said commissioners, when so appointed, shall hold their offices, respectively, for four years, and until others are appointed and qualified in their places, respectively, but the office of any of such commissioners shall be deemed to be vacated by his removal from the corporation.

Instru-
ments,
etc.,
proved or
acknowl-
edged by,
evidence.

Filing of
appoint-
ments.

Official
oath.

Terms.

General
powers
and re-
strictions.

§ 15. The said corporation shall possess the privileges and be subject to the restrictions contained in part one, title three, chapter eighteen of the Revised Statutes, as far as they are applicable to such corporation.

§ 16. The legislature may, at any time hereafter, alter, modify, or repeal this act.

§ 17. This act shall take effect immediately.

CHAP. 344.

AN ACT to provide legal transfer of cemetery plots when free of interments.

APPROVED by the Governor May 7, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sale and
transfer of
plots.

SECTION 1. It shall be lawful for the owner of any cemetery plot originally purchased from any cemetery association duly organized under the general laws of the state of New York, to bargain, sell, transfer or dispose of said plot, provided, however, there is no interment in said plot bargained, sold or transferred, and said bargain, sale and transfer shall be subject to the approval of the president of said cemetery association, which manage the grounds in which the said plot be situate.

Approval.

§ 2. The secretary of said cemetery association shall file and record on the books belonging to said cemetery association the deed of transfer of said cemetery plot when said deed of transfer shall have been presented and approved as provided in foregoing section on payment of a fee of twenty-five cents for service in filing and recording said deed of transfer. Record of deed of transfer.
Fee.

§ 3. Any act or parts of an act inconsistent with this act is hereby repealed. Repeal.

§ 4. This act shall take effect immediately.

CHAP. 345.

AN ACT to amend chapter four hundred and seventy-seven of the laws of eighteen hundred and ninety, entitled "An act to provide for the erection of a state armory in the city of Utica, and making an appropriation therefor."

APPROVED by the Governor May 7, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The title of chapter four hundred and seventy-seven of the laws of eighteen hundred and ninety, entitled "An act to provide for the erection of a state armory in the city of Utica, and making an appropriation therefor," is hereby amended so as to read as follows: Title of act amended.

AN ACT to provide for the purchase of a site for and the erection of an armory in the city of Utica, and making an appropriation therefor, and to provide for the taking of real estate for such site by commission in case the same cannot be purchased by agreement.

§ 2. Section one of said act is hereby amended so as to read as follows:

§ 1. The treasurer shall pay, on the warrant of the comptroller, the sum of thirty five thousand dollars, which sum is hereby appropriated for the erection of an armory in the city of Utica, Oneida county, for the use of the separate companies of the national guard in said city and county, to be expended under the direction of the adjutant-general, the inspector-general and the chief of ordnance of this state, who are hereby appointed commissioners therefor; but no part of this appropriation, except for plans and the necessary expenses of the commissioners, and for superintendence and inspection of the work, shall be expended by said officers, except upon contracts for the completion of said armory and all necessary fixtures and all necessary sewerage within the limits of the sums appropriated by this act, nor until a title to a suitable site for such armory, to be approved by the attorney-general, free from all incumbrance, and without cost to the state, shall be vested in the people of the state of New York. Appropriation.

§ 3. Section four of said act is hereby amended so as to read as follows:

§ 4. It shall be the duty of the said commissioners, to select and purchase, on behalf and in the name of the people of the state of New York, a plot of ground in the city of Utica, county of Oneida, suitable for the purposes of such armory. And in case said land or any part thereof cannot be obtained by agreement with the owner or owners thereof, said commission shall acquire title thereto by the exercise Commissioners to make expenditure.
Conditions of expenditure.
Acquisition of real estate.

of the right of eminent domain in proceedings duly taken and had under and in accordance with the provisions and requirements of the condemnation law.

§ 4. Section five of said act is hereby amended so as to read as follows:

Certificates
of indebted-
ness, is-
sue of.

§ 5. The county treasurer of Oneida county, whenever a written notice shall be served upon him by the aforesaid commission, that such land has been contracted for or purchased, or the title thereto has been acquired as above directed, shall execute in behalf of and in the name of the county of Oneida, certificates of indebtedness in the amount or aggregating the amount named in such notice, and shall after ten days notice specifying the time and place where bids will be received therefor, sell the same to the highest bidder; such notice to be published for ten days in three official newspapers in said county of Oneida. The aforesaid certificates shall bear interest at the rate of not to exceed four per centum per annum, and shall be payable one-half thereof in one year, and one-half thereof in two years from the date of their issue; and the amount thereof and of the interest thereon shall be raised in the several tax budgets of said county succeeding the issue, and for the years when said certificates shall become due, and applied to the payment of such certificates. The proceeds of the sale of such certificates shall be retained by the county treasurer and shall be by him paid out upon the written requisition of the aforesaid commission, by which it shall be applied to the payment of the amount of the purchase price or cost of said land and any damages for awards or compensation, which may be made under the proceedings to acquire said title, and the cost of acquiring said title, and the grading, filling, excavating, draining, paving of streets, flagging of sidewalks, and fencing of such lands.

Interest
and when
payable.

Proceeds
of sale,
how ap-
plied.

§ 5. This act shall take effect immediately.

CHAP. 346.

AN ACT to amend section one hundred and eighty-one of article eighth of title ninth of chapter nine of part one of the Revised Statutes, relating to regulations and penalties concerning the protection and maintenance of the canals.

APPROVED by the Governor May 7, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one hundred and eighty-one of chapter nine, title nine, article eighth, part one of the Revised Statutes, is hereby amended so as to read as follows

Towing-
path and
banks,
penalty
for driving
horses,
etc., upon.

§ 181. Every person who shall lead, ride or drive any horse, ox, ass, mule or other cattle upon the towing-path of the canal, or upon the bank opposite to such towing-path, within the blue line of the canal, shall, for each offense forfeit the sum of five dollars; but this section shall not be construed to extend to persons towing boats or other floats, or conveying articles unladen or to be laden from or to a canal, or any other person authorized by any canal superintendent or canal contractor to enter upon the towing-path or banks opposite thereto for the purpose of examining or repairing the same; and whenever any

Use of

canal or canal feeder is constructed through or upon any lands so as to render such lands inaccessible from a highway, except by the erection of a bridge over any canal or feeder, now or hereafter constructed, it shall be lawful for the owner or owners of such lands on permission being obtained from the superintendent of public works to use so much of the towing-path or the banks opposite thereto, or the banks of any feeder as may be necessary to pass to and from such lands to a public highway without damage to such banks or interference to navigation; but such use shall cease whenever the state or local authorities shall construct suitable bridges over said canals and feeders to enable the said owners to pass to and from such lands to a public highway.

CHAP. 347.

AN ACT to repeal section five of chapter one hundred and sixty of the laws of eighteen hundred and eighty-five, entitled "An act to provide for changing the site of county buildings."

APPROVED by the Governor May 8, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of chapter one hundred and sixty of the laws of eighteen hundred and eighty-five, entitled "An act to provide for changing the site of county buildings," is hereby repealed.

§ 2. This act shall take effect immediately.

CHAP. 348.

AN ACT to amend section seven of chapter one hundred and sixteen of the laws of eighteen hundred and sixty-three, entitled "An act to establish a free school in district number one in the town of Hempstead."

APPROVED by the Governor May 8, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven of chapter one hundred and sixteen of the laws of eighteen hundred and sixty-three, entitled "An act to establish a free school in district number one in the town of Hempstead," is hereby amended so as to read as follows:

§ 7. The said board of education are hereby authorized and directed to levy and collect by tax in each year, upon all the taxable property in said district, such sums as may be necessary, not exceeding in amount one-fourth of one per centum or, with the written consent and approval of the president of the board of trustees of the village of Hempstead, an amount not exceeding one-half of one per centum, on the value of such taxable property, as the same shall be assessed by the assessors of the town of Hempstead, or incorporated village of Hempstead. And the said board shall add to the amount of any warrant for the collection of taxes such amount as they shall deem proper, as collector's fees for collection, which compensation, however, shall

same for
passage to
and from
highways.

Annual
school tax.

Collector's
fees.

in no case exceed five per centum on the amount of any warrant; and on all sums voluntarily paid to the treasurer of the board of education, before the warrant is placed in the collector's hands, only one per centum shall be charged as collector's fees.

§ 2. This act shall take effect immediately.

CHAP. 349.

AN ACT to ratify certain proceedings of the commissioners of highways of the town of Little Falls, and to confirm their jurisdiction of, and power to construct bridges across the Mohawk river in said town.

APPROVED by the Governor May 8, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Acts and
proceed-
ings con-
firmed.

SECTION 1. The acts and proceedings of the highway commissioners of the town of Little Falls, surveying, laying out and declaring a public highway across the Mohawk river, leading from Casler road northerly to the said river, thence across the south channel of the river to Lock island, thence across Lock island and the north channel to the north bank of the river, and thence to Lock street, and accepting a dedication of the right of way for said highway, are hereby ratified, confirmed and approved.

Bridges,
property
of town.

Jurisdic-
tion to
construct
and main-
tain same.

§ 2. The public highway bridges across the Mohawk river in the town of Little Falls and within the limits of the village of Little Falls, are declared to be the property of the said town of Little Falls, and the said town of Little Falls and its commissioners of highways, are declared to have full power and jurisdiction to construct, maintain and repair the said bridges which are now erected, and also those to be hereafter erected in connection with the public highways across the said Mohawk river, within the limits of the said village of Little Falls.

§ 3. This act shall take effect immediately.

CHAP. 350.

AN ACT to provide for the payment of a certain local assessment against state property in the city of Buffalo, and making an appropriation therefor.

APPROVED by the Governor May 8, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appro-
priation
for pay-
ment of
assess-
ment.

SECTION 1. The sum of eighteen thousand and sixty-six dollars and ninety-two cents, or so much thereof as may be necessary — the amount justly due to be determined by the comptroller — is hereby appropriated out of any unexpended balance in the treasury, not otherwise appropriated, for the purpose of paying the local assessment for paving Niagara street, thirty-six feet wide, between Cornelius creek

and the city line in the city of Buffalo, now due and payable, charged against the state of New York, as owner of the Erie canal and lands adjacent to the Erie canal, situate and being adjacent to said Niagara street between the points aforesaid in the city of Buffalo, which payment shall be made by the treasurer on the warrant of the comptroller.

Payment,
how made.

§ 2. This act shall take effect immediately.

CHAP. 351.

AN ACT to amend section three hundred and five of chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled "An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York," as amended by chapter one hundred and eighty of the laws of eighteen hundred and eighty-four, chapter three hundred and sixty-four of the laws of eighteen hundred and eighty-five, chapter five hundred and fifty-two of the laws of eighteen hundred and eighty-eight and chapter five hundred and thirty-two of the laws of eighteen hundred and ninety, in relation to the police pension fund of the city of New York.

APPROVED by the Governor May 8, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three hundred and five of chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled "An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York," as amended by chapter one hundred and eighty of the laws of eighteen hundred and eighty-four; chapter three hundred and sixty-four of the laws of eighteen hundred and eighty-five; chapter five hundred and fifty-two of the laws of eighteen hundred and eighty-eight, and chapter five hundred and thirty-two of the laws of eighteen hundred and ninety, is hereby further amended so as to read as follows:

Consolidation act
amended.

Police
pension
fund, how
constituted.

§ 305. The said police pension fund shall consist of:

1. The capital, interest, income, dividends, cash deposits, securities and credits formerly belonging to the police life insurance fund, and the police pension fund with the addition thereto, from time to time, of

Capital,
etc., of
former
funds.

2. All forfeitures imposed by the board of police, from time to time, upon or against any member or members of the police force; and of

Forfeitures.

3. All rewards, fees, gifts, testimonials and emoluments that may be presented, paid or given to any member of the police force for account of police services, except such as have been or shall be allowed by the board of police to be retained by said member; and of

Rewards,
gifts, etc.

4. All lost, abandoned, unclaimed or stolen money remaining in the possession of the property clerk of the police department for the space of one year, and for which there shall be no lawful claimant, and all moneys arising from the sale by said property clerk of unclaimed, abandoned, lost or stolen property; and all moneys realized, derived or received from the sale of any condemned, unfit or unserviceable property belonging to or in possession or under the control of the police department; and of

Unclaimed,
etc.,
money or
property.

Proceeds
of con-
demned
property.

Deduction
from pay
of police.

5. All moneys, pay, compensation or salary or any part thereof, forfeited, deducted or withheld from any member or members of the police force for or on account of absence for any cause, lost or sick time, sickness or other disability, physical or mental, to be paid monthly by the treasurer of the board of police commissioners to the treasurer of the board of trustees of the police pension fund.

Boiler in-
spections.

6. All moneys deriyed or received from any licenses or certificates granted or given under section three hundred and eleven of this act.

Appro-
priation
from ex-
cise or
license
fees.

7. The sum of three hundred thousand dollars annually of all excise moneys or license fees, derived or received by the board of excise, or the board of commissioners of excise, from the granting of licenses or permission to sell strong or spirituous liquors, ale, wine or beer in the city and county of New York, as provided in chapter one hundred and seventy-five of the laws of eighteen hundred and seventy, and the several acts amendatory thereof, and as also provided in chapter three hundred and forty of the laws of eighteen hundred and eighty-three, and the act amendatory and supplemental thereto, the said sum of three hundred thousand dollars to be paid in equal quarterly installments by the comptroller of said city, who is authorized and required to pay the same to the treasurer of the police pension fund for the benefit thereof without any action or authority of or from the board of estimate and apportionment.

How pay-
able.

Moneys
from per-
mits to
carry
pistols.

8. All moneys received or derived from the granting or issuing of permits to carry pistols in said city; and no permit to carry a pistol shall be granted or issued to any person, except upon the payment of two dollars and fifty cents in advance to the superintendent of police, nor shall any such permit continue in force for more than one year, when another may be issued from year to year upon the payment of a like sum. The superintendent of police is authorized to grant and issue permits for such purpose, in proper cases upon the payment of the sum aforesaid, and all such moneys shall be paid over to the treasurer of the police pension fund.

Granting
of permits.

Masked
balls, etc.,
moneys
from per-
mits for.

9. All moneys derived or received from the granting or issuing the permits, or the giving of permission to give masked balls, entertainments or parties, or either of them, in the city of New York, under the provisions of chapter one of the laws of eighteen hundred and seventy-six, entitled "An act to amend chapter three of the laws of eighteen hundred and forty-five, entitled 'An act to prevent persons appearing disguised and armed.'" No masquerade, or fancy dress ball, or other entertainment shall be held, given or permitted in the city of New York, under the provisions of said chapter one of the laws of eighteen hundred and seventy-six, except upon condition that a license fee therefor of not less than five dollars nor more than one hundred dollars shall first be paid to the board of police, who are authorized to demand and receive the same for the benefit of the police pension fund.

Not to be
held with-
out pay-
ment of
license
fee.

Unex-
pended
balances
of funds.

10. And any and all unexpended balances of appropriations or amounts made, estimated, levied, raised or appropriated for the payment of salaries or compensation of members of the police force remaining unexpended or unapplied after allowing all claims payable therefrom. And the board of police may, and it is hereby authorized, to pay over to the police pension fund, such unexpended balances or any part thereof, at any time after the expiration of the year for which the same were made and appropriated, and after allowing sufficient to satisfy all claims payable therefrom as aforesaid.

Payment
thereof to
pension
fund.

§ 2. This act shall take effect immediately.

CHAP. 352.

AN ACT to authorize the appointment of an officer to be known as the warden of the grand jury in the city of New York.

APPROVED by the Governor May 8, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. On or before the first day of January eighteen hundred and ninety-two, the recorder of the city of New York may appoint a suitable person, resident of the city and county of New York, to have and to take charge of the grand juries selected to serve in and for the city and county of New York, in the court of general sessions of the city and county of New York. Such person shall have charge of and guard over such grand juries under the direction of the court and district attorney of the city and county while the members thereof are in session and in court and are going to and returning from court. The salary of said person shall be fixed by the board of estimate and apportionment at not more than two thousand dollars per year, payable at the expiration of each and every month of said term, and the same shall be a charge upon, and shall be paid out of the treasury of the city and county of New York. Such officer shall be known and designated as "warden of the grand jury." Nothing in this act contained shall be construed as to interfere with the right and privilege of the district attorney of the city of New York to have access to, appear before and remain with and advise the said grand juries as now provided by law.

Appoint-
ment of
officer.

Duties.

Salary.

Official
title.

Proviso.

§ 2. This act shall take effect immediately.

CHAP. 353.

AN ACT to further provide the means for the statnary, beautifying and completion of a soldier's and sailor's monument in the city of Brooklyn by authorizing the issue of bonds.

APPROVED by the Governor May 9, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The mayor, controller and city clerk of the city of Brooklyn are hereby authorized in their discretion to prepare and issue bonds of the city of Brooklyn, to be called the soldier's and sailor's monument bonds of the city of Brooklyn, bearing interest at a rate not to exceed three per centum per annum. Such bonds shall be issued in separate series of twenty thousand dollars each, and not more than one hundred thousand dollars of said bonds shall be issued. The first of said series shall be due and be payable in the year one thousand nine hundred and one, and the succeeding series of said bonds shall be made due and payable — that one of said series and but one shall fall due and be payable in each and every year thereafter up to, but not inclusive of, the year one thousand nine hundred and six. None of said bonds shall be sold at less than the par value thereof. The proceeds of the sale of said bonds shall be paid into the city

Issue of
bonds au-
thorized.

When due
and pay-
able.

Proceeds
of sale.

treasury to the credit of the commission heretofore created to erect a soldiers' and sailors' monument in the said city by the provisions of chapter three hundred and thirty-nine of the laws of one thousand eight hundred and eighty seven, as amended by chapter four hundred and seventy-six of the laws of one thousand eight hundred and eighty-eight, as amended by chapter two hundred and seventy-nine of the laws of one thousand eight hundred and eighty-nine, to be paid out from time to time upon the requisition of said commission upon the comptroller of the said city to be expended by them in the erection of said monument in addition to any sums of money heretofore provided or appropriated for such purpose.

Repeal. § 2. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

CHAP. 354.

AN ACT to promote agriculture and to improve the breed of stock in this state.

APPROVED by the Governor May 11, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Annual appropriation for distribution by societies, conditions of.

SECTION 1. Whenever each or either of the following named societies, organized and supported by the co-operation and contributions of residents of two or more of the counties of this state, namely: The New York State Agricultural Society, The New York and New England Agricultural Society, The Western New York Agricultural Society, and the Interstate Fair Society, shall annually raise, by voluntary subscription, any sum of money, not less than eight thousand dollars, for distribution by such society at its annual meeting and fair, as premiums on such articles, productions and stock of the farm, and such improvements in farming machinery as they deem best calculated to promote the agricultural and stock-raising interests of this state, having special reference to the net profits which accrue or are likely to accrue from the mode pursued of raising the crop or stock, or the fabrication of the articles offered, with the intention that the premiums shall be given for the encouragement of the most economical or profitable mode in competition; and shall so distribute such amount in such premiums; and whenever the president and treasurer of such society shall make and subscribe a statement, verified by their affidavit, of the fact of the organization of such society, and that a sum not less than eight thousand dollars, has been so raised by voluntary subscription for such premiums, specifying the amount raised, and that the same has been so distributed in premiums, and shall file such statement and affidavit in the office of the comptroller; and whenever such society shall offer, in writing, signed by its president and treasurer, addressed to, and filed in the office of the comptroller, that it will act as the agent of the state in distributing such sum or sums of money as the state may appropriate for distribution as premiums at its annual meeting and fair for the promotion of agriculture and the improvement of the breed of stock in this state, and shall execute to the people of this state a bond,

signed in its name by its president and treasurer, with such sureties as the comptroller shall approve conditioned for the faithful performance of its duty as such agent for such distribution, and shall file the same in the office of the comptroller, the state will appropriate, in each case, the sum of eight thousand dollars to be distributed by such society, as premiums on such articles, productions, stock and improvements as may be exhibited at its annual meeting and fair upon the conditions hereinbefore named, provided, however, that before any portion of the sum so to be appropriated by the state shall be so distributed, the person, persons, company or association claiming the same, or to whom or which the same may be awarded, shall first deliver, in writing, to the president of such society, an accurate and complete description of the process, in preparing the soil, including the quantity and quality of the manure applied, in raising the crop, and in feeding the animal, including the kind and quantity of food, as near as may be; and also of the expense and product of the crop, or of increase in the value of the animal, with the view of showing accurately the profit of cultivating the crop or of feeding or of fattening the animal.

Proviso as to distribution.

§ 2. The president and treasurer of each of said societies, mentioned in the first section of this act, which shall so act as the agent of the state in the distribution of moneys herein appropriated, or hereafter to be appropriated, as such premiums, shall, annually, before the fifteenth day of December, transmit, to the comptroller, a detailed and itemized account of the distribution of all the moneys which came into their possession during the preceding year for such purpose, as well such as shall have been received by it from voluntary contributions as from appropriations from the state, and shall state to whom the same has been distributed, and render proper vouchers therefor.

Annual report to comptroller.

§ 3. It is hereby provided that, of the twenty thousand dollars appropriated or to be appropriated in the annual appropriation bill for eighteen hundred and ninety-one, for distribution by the New York State Agricultural Society, at its annual meeting and fair, in premiums for the promotion of agriculture, the sum of eight thousand dollars shall not be paid to the order of the society for such premiums, until the said New York State Agricultural Society shall furnish to the comptroller satisfactory evidence that it has raised by voluntary contributions the sum of eight thousand dollars for distribution by it in premiums for the promotion of agriculture, and has distributed the same in such premiums, at the same annual meeting and fair at which the afore-mentioned sum of twenty thousand dollars is to be so distributed.

Proviso as to appropriation for distribution by state society.

§ 4. The sum of twenty-four thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, payable by the treasurer on the warrant of the comptroller for the purpose of carrying into effect the provisions of this act, but no part of the sum herein appropriated shall be paid to the order of the New York State Agricultural Society.

Appropriation for purposes of act.

§ 5. This act shall take effect immediately.

CHAP. 355.

AN ACT to amend chapter three hundred and thirty of the laws of eighteen hundred and seventy-nine, entitled "An act to provide for the election of a surrogate separate from the county judge of the county of Suffolk and fix the salary of said surrogate, and also the salary of the county judge of said county, hereafter to be elected."

APPROVED by the Governor May 11, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of chapter three hundred and thirty of the laws of eighteen hundred and seventy-nine, entitled "An act to provide for the election of a surrogate separate from the county judge of the county of Suffolk, and to fix the salary of said surrogate and also the salary of the county judge of said county of Suffolk, to be elected," is hereby amended so as to read as follows:

Salaries of
surrogate
and county
judge.

§ 3. The salary of said surrogate is hereby fixed at two thousand five hundred dollars per annum; and the salary of the county judge of said county shall be fifteen hundred dollars per annum.

§ 2. This act shall take effect immediately.

CHAP. 356.

AN ACT to amend section thirty-three hundred and eleven of the Code of Civil Procedure, relating to fees of stenographers.

APPROVED by the Governor May 11, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirty-three hundred and eleven of the Code of Civil Procedure is hereby amended to read as follows:

Fees of
stenogra-
phers.

§ 3311. Except where otherwise agreed, or when special provision is otherwise made by statute, a stenographer is entitled, for a copy fully written out from his stenographic notes of the testimony, or any other proceeding, taken in an action, or a special proceeding in a court of record, or before a judge thereof, and furnished, upon request, to a party or his attorney, to the following fees for each folio: In a circuit court or court of oyer and terminer, or at a special term of the supreme court in the third, fourth, fifth, sixth, seventh or eighth judicial district, or in the superior court of Buffalo, six cents; in any other court or courts, ten cents; and for the copy of the testimony required to be made in any proceeding for the records of the surrogate's court of either of the counties of New York or Kings, ten cents; and the surrogate may order that the fees for such record copy be paid out of the estate to which the proceeding relates.

When to
take effect.

§ 2. This act shall take effect September first, eighteen hundred and ninety-one.

CHAP. 357.

AN ACT making an appropriation to pay Clara G. Brundage, widow of Grattan H. Brundage, deceased the unpaid balance of his salary as member of assembly from the first assembly district of Steuben county for the year eighteen hundred and ninety-one.

APPROVED by the Governor May 11, 1891. Passed, by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of eight hundred and thirty dollars or so much thereof as may be necessary is hereby appropriated out of any money in the treasury not otherwise appropriated for the purpose of paying Clara G. Brundage, the widow of Grattan H. Brundage, deceased, the unpaid balance of his salary as member of assembly from the first assembly district of the county of Steuben, for the year eighteen hundred and ninety-one, and the treasurer is hereby directed to pay said amount or so much thereof as may be necessary upon the warrant of the comptroller to the order of said Clara G. Brundage. Appropriation.

§ 2. This act shall take effect immediately.

CHAP. 358.

AN ACT to amend section four hundred and twenty-one of the Penal Code, relating to duties of locomotive engineers.

APPROVED by the Governor May 11, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four hundred and twenty-one of the Penal Code is hereby amended so as to read as follows:

§ 421. A person acting as engineer, driving a locomotive on any railway in this state, who fails to ring the bell, or sound the whistle, upon such locomotive, or cause the same to be rung or sounded, at least eighty rods from any place where such railway crosses a traveled road or street on the same level (except in cities), or to continue the ringing such bell or sounding such whistle at intervals, until such locomotive and the train to which the locomotive is attached shall have completely crossed such road or street, or any officer or employee of a corporation who shall willfully obstruct, or cause to be obstructed, any farm or highway crossing with any locomotive or car for a longer period than five consecutive minutes, is guilty of a misdemeanor. Penalty for failure to ring bell, etc.
Obstruction of highways.

§ 2. This act shall take effect on the first day of September, eighteen hundred and ninety-one. When to take effect.

CHAP. 359.

AN ACT to amend section seven hundred and ninety-nine of chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled "An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York," authorizing the dock department to grant permits in certain cases.

APPROVED by the Governor May 11, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Consolidation act amended.

SECTION 1. Section seven hundred and ninety-nine of chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled "An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York," is hereby amended so as to read as follows:

Rates of wharfage for clam and oyster boats.

§ 799. Vessels of two hundred tons burden and under, which shall be actually engaged in the clam or oyster trade, and which shall make fast to any pier, wharf or bulkhead within said city, shall pay one and one-half cents per ton per day, and every such vessel which shall make fast to another vessel lying at any such pier, wharf or bulkhead, or to any vessel lying outside of such vessel, or that shall anchor within any slip or basin in said city, shall pay one cent per ton per day; provided, however, that no vessel shall pay less than twenty-five cents nor less than one day's wharfage, nor shall more than one day's wharfage be charged unless for a continuous use of the pier, wharf, bulkhead, slip or basin of more than twenty-four hours. The department of the docks may grant permits for vessels or floating structures engaged in the oyster business and used for the receipt, preparation and vending of oysters and other shell-fish to remain continuously moored to or at any of the docks, piers and bulkheads within the city and county of New York not otherwise specifically appropriated by law, to the sole use of other kinds of commerce upon such terms as to wharfage and otherwise, and subject to such regulations as said department may prescribe. All permits so granted by such department shall be subject at any time to revocation by it. Upon any such permit being granted the person or persons or corporation receiving the same, shall be entitled to moor such vessels or floating structures, continuously and until such permit shall be revoked, to or at the dock, pier or bulkhead designated in said permit for that purpose, subject to the terms of such permit; provided, however, that where the mayor, aldermen and commonalty of the city of New York is not the owner of the dock, pier or bulkhead designated in such permit, the consent of the owner or owners of the same, or of the person or persons entitled to collect wharfage therefrom shall have been obtained.

Permits for permanent moorage, etc.

Consent of dock owners.

§ 2. This act shall take effect immediately.

CHAP. 360.

AN ACT to confer upon the board of railroad commissioners of the state of New York authority to compel the lighting and ventilation of all tunnels within this state which are used by steam railroads.

APPROVED by the Governor May 11, 1891. Passed, three-fifths being present

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of railroad commissioners of the state of New York are hereby authorized, empowered and given full and complete authority to require and compel all tunnels used or to be used by railroads operated by steam in this state to be properly ventilated, in such manner and by such means and mechanical appliances as said board of railroad commissioners, or a majority of the same, may direct. Ventilation of railroad tunnels.

§ 2. The board of railroad commissioners of this state are also hereby authorized, empowered and given full and complete authority to require and compel all tunnels used, or to be used by railroads operated by steam in this state, to be properly lighted by electricity or otherwise, or by such means or in such manner as said board of railroad commissioners, or a majority of the same, may direct. Lighting of same.

§ 3. Whenever said board of railroad commissioners of this state, or a majority thereof, shall cause to be personally served upon any railroad corporation controlling any tunnel, or part of a tunnel, in this state for the purpose of operating a railroad or moving, hauling or propelling cars therein by steam by delivering a copy personally to the president, general manager or any director of said corporation of a notice or order, signed by a majority of said board of railroad commissioners, stating and specifying the structures to be erected, the manner, means, mechanical appliance and apparatus to be used in lighting or ventilating any tunnel or tunnels used by said corporation for the purpose of moving, hauling or propelling cars by steam therein as aforesaid, said corporation shall, within thirty days from and after the service of said notice or order as aforesaid, cause said tunnel or tunnels so used by it as aforesaid to be lighted or ventilated, or both, in the manner and by the means and use of the mechanical apparatus and appliances specified and pointed out in said notice or order. Compliance with orders of railroad commissioners.

§ 4. After the expiration of thirty days from the service of said order or notice specified in the preceding section, as therein directed, if said corporation shall not have fully complied with the provisions and requirements of said notice or order as aforesaid and as therein directed and required, said board of railroad commissioners, or a majority of said board, may apply to the supreme court of this state for a writ of mandamus to compel said corporation or corporations so neglecting or refusing to obey and comply with the provisions of said order or notice to comply with and obey the provisions and requirements of said notice or order, and said court shall have full power and authority to hear and determine said matter, and, after giving the corporation or corporations proceeded against an opportunity to be heard in its or their defense, to compel said corporation or corporations so proceeded against to obey said order or notice, and forthwith Writ of mandamus to compel compliance, application for.

Powers of court thereupon.

comply with and carry out the provisions and requirements therein contained.

Violation
of act.

§ 5. Every corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and may be indicted therefor, and may be compelled to appear and plead to an indictment therefor in the person of its president, secretary, treasurer or any director thereof, and a bench warrant may issue out of any competent court to compel such attendance and pleading, and, upon conviction thereof, punished by a fine of one thousand dollars, and an additional fine of five hundred dollars a day for each and every day or part of a day after thirty days from the due service of said notice or order that said corporation shall refuse or neglect to obey and carry out the requirements and provisions of the same, and duly sentenced to pay the same.

Penalty
therefor.

Judgment
roll.

§ 6. It shall be the duty of the district attorney prosecuting any corporation for a violation of any of the provisions of this act, that shall be convicted thereof and sentenced to pay a fine therefor, to cause a judgment-roll to be made up, consisting of the indictment orders and sentence of the court and a formal judgment, to be prepared by him, which judgment shall be duly signed by the clerk of the county in which said trial took place; said judgment-roll shall be filed by said county clerk and said judgment shall be duly recorded in the book of judgments in said county and duly entered and docketed by said county clerk in said county the same as if said judgment had been obtained in a civil action, and said judgment so duly entered and docketed shall become and be a lien upon all of the real estate of said corporation against which the same is obtained, and the collection thereof may be enforced by execution to be issued and signed by the district attorney of the county where the trial of said indictment took place, in the same manner and to the same extent as executions are collected in civil action.

Judgments
liens upon
real estate.

Approval
of appli-
ances, etc.,
in cities of
one million
and over.

§ 7. In cities in this state having a population of one million inhabitants or over, where tunnels are or may hereafter be operated or controlled by any railroad corporation such portions of any mechanical or other devices or appliances as may be required under the provisions of this act to be constructed on or above the surface of any streets, avenues or other places under which such tunnels may be built, shall be subject as to form, material and construction, to the approval of the local authorities of such cities, except that in the city of New York such approval shall be by a majority vote of the mayor, the comptroller, the commissioner of public works and the president of the department of public parks of said city.

§ 8. This act shall take effect immediately.

CHAP. 361.

AN ACT to amend chapter two hundred and thirty of the laws of eighteen hundred and ninety, entitled, "An act for the establishment and government of a public park in the town of New Utrecht, to be known as the Bensonhurst park, and providing that the same shall be a public work of the towns of New Utrecht and Gravesend, in the county of Kings, and to authorize said towns to provide for the means therefor by the issue of bonds."

APPROVED by the Governor May 11, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of chapter two hundred and thirty of the laws of eighteen hundred and ninety, entitled "An act for the establishment and government of a public park in the town of New Utrecht, to be known as the Bensonhurst park, and providing that the same shall be a public work of the towns of New Utrecht and Gravesend, in the county of Kings, and to authorize said towns to provide for the means therefor by the issue of bonds," is hereby amended so as to read as follows: Act amended.

§ 5. The said commissioners shall have power, as such, to purchase and acquire all those certain lands and premises situated within said town of New Utrecht, and which, taken collectively, are bounded southwesterly by the pier line of Gravesend bay, northwesterly by the southeasterly line of Twenty-first avenue, and southeasterly by the northwesterly line of Twenty-second avenue, and northeasterly by a line drawn parallel with and one hundred and forty feet southwesterly from the southwesterly side of Cropsey avenue as the said pier line and avenues are laid down on a map of the town survey commissioners of Kings county, which lands and premises shall constitute and be known as "Bensonhurst park," which park shall be a public work to be constructed by the two towns of New Utrecht and Gravesend for the accommodation, convenience and use of the inhabitants of said towns, and the expenses of constructing and maintaining the same and acquiring the land necessary therefor, and all liabilities imposed upon them or incurred by them by virtue of this act shall be defrayed by the said towns in the proportion of one-third thereof by the town of Gravesend and two-thirds by the town of New Utrecht, and the said park and lands within the same shall, when acquired, be and become the property of the said towns, which shall own the fee thereof in common, in like proportion. Acquisition of lands for park.
Expenses, how defrayed.
Fee of lands.

§ 2. Section seven of said act is hereby amended so as to read as follows:

§ 7. The said park commissioners shall certify to the supervisors of the respective towns the amount necessary to defray the expense of acquiring said lands and premises by purchase or otherwise as aforesaid, the expense of all proceedings connected therewith, and of preparing and issuing the bonds hereinafter authorized to be issued, together with all other necessary expenses incidental to the establishment of said public work, but the whole expense thereof shall not exceed the sum of seventy-five thousand dollars. Expenses to be certified to supervisors.
Limitation.

§ 3. Section eleven of said act is hereby amended so as to read as follows:

Moneys,
how ap-
plied.

§ 11. All moneys received by said commissioners shall be applied in payment of the expenses incurred in the purchase, improvement, maintenance or policing of said park.

§ 4. Section twelve of said act is hereby amended so as to read as follows:

Cost of es-
tablishing
park a
charge on
real estate.

§ 12. The amount of money necessary to be raised to acquire the land in this act described, and to meet all the expense of establishing the said Bensonhurst park, pursuant to the provisions hereof, and to defray the expenses of carrying out the said public work, as reported by the said Bensonhurst park commissioners to the supervisors of the two towns, as provided in section seven of this act, shall be a charge upon the real estate situate within that part of the towns of New Utrecht and Gravesend, constituting the assessment district for the purpose of this act; and for the purpose of establishing such assessment district, five discreet and competent persons, being citizens of the state of New York and residents of the county of Kings, two thereof residents of the town of Gravesend, and two thereof residents of the town of New Utrecht, and one thereof not a resident of either town, all of whom shall serve without compensation, shall be appointed by the supreme court at any special term thereof to be held within the county of Kings, and upon motion of the said Bensonhurst park commissioners to act as commis-

Commis-
sioners of
assess-
ment, ap-
pointment
of.

Notice of
applica-
tion.

Surveyors,
clerks, etc.

District of
assess-
ment, es-
tablish-
ment of.

Report
of commis-
sioners.

Confirma-
tion of re-
port.

sioners of assessment. A notice of any application for the appointment of such commissioners of assessment shall be given, stating the time and place of such application, by publication for at least ten days immediately previous to such application in two daily newspapers printed and published in the county of Kings. Said commissioners of assessment shall have power to appoint surveyors, clerks and counsel to assist them as they may deem necessary, and the expense thereof and such other necessary and proper expense as shall be by said commissioners incurred shall be by them stated in their report and included in the expense of establishing said park to be raised, provided for and paid as provided in this act. After the costs of the establishment of the said Bensonhurst park commissioners, it shall be the duty of said commissioners of assessment to establish a district of assessment embracing the lands within the towns of New Utrecht and Gravesend, which they shall deem to be benefited by said improvement, in such manner that two-thirds of said lands shall be in the town of New Utrecht and one-third in the town of Gravesend, as nearly as such division shall be found to be practicable. Notice of the time and place of fixing said district of assessment and of hearing the parties interested therein shall be published for ten days successively, in at least two daily newspapers, printed and published in the county of Kings. The determination of said commissioners of assessment shall be embodied in a report to be signed and verified by at least four of said commissioners, and shall be binding, if so signed and verified. After the report of said commissioners shall have been duly made, it shall be filed in the office of the clerk of the county of Kings, and notice of such filing and of application for the confirmation of such report at a special term of the supreme court, shall be given by publication, daily, in two newspapers published and printed in the county of Kings for at least ten days immediately previous to the date of such application, and upon the hearing of such application all parties interested therein shall be heard, and the court upon such hearing shall either confirm such report or send the same back to the said commissioners or a new set of commissioners to be appointed by the court for correction and amendment, and upon the

completion of such corrected or amended report application shall again be made to the supreme court by the same procedure as is heretofore indicated with reference to the original report, and the court shall have power to either confirm said second amended or corrected report, or may send the same back to the same commissioners or a new set of commissioners until the court is satisfied that justice has been done by such report. Upon the confirmation of said report the same shall be filed in the office of the county clerk and notice thereof together with a description of the district of assessment be given by said assessment commissioners to the supervisors of said towns. As soon as practicable after receiving the certificate or certificates from the Bensonhurst park commissioners of the expense of establishing the said public work as herein provided for, and after receiving a certificate from the commissioners of assessment to be appointed as herein provided for, to the effect that they have fixed the said district of assessment, and which shall describe the said district of assessment, and which shall specify the expense necessarily incurred in fixing said district of assessment and in all legal proceedings connected therewith, the respective supervisors of the towns of New Utrecht and Gravesend shall borrow on the faith and credit of the towns respectively, and in their names execute and issue their separate bonds for the aggregate amount specified in the certificates both of the Bensonhurst park commissioners and of the commissioners of assessment, to be known as Bensonhurst park bonds of said towns, which shall bear interest not exceeding five per centum per annum, and shall be made payable in fifteen annual installments as nearly equal as practicable, the first of which shall become due not less than five years nor more than six years from the date of issue, and which shall be issued for one-third of the amount by the town of Gravesend, and two-thirds of the amount by the town of New Utrecht and each of said supervisors shall forthwith pay to said Bensonhurst park commissioners the proceeds of the said bonds so issued by him.

Issue of
bonds.

Interest.
Bonds,
when pay-
able.

Proceeds,
disposition
of.

§ 5. Section sixteen of said act is hereby amended so as to read as follows:

§ 16. On or before the first day of June in each year the said commissioners shall make a statement to the supervisors of the towns, and also to the town clerks of said towns, of the amount required for the improvement, maintenance and policing of said park for the ensuing year not exceeding two thousand dollars; and the one-third part thereof together with the sum required to meet the principal and interest of the bonds issued by the town of Gravesend under this act shall be levied and assessed by the board of supervisors of the county of Kings as a part of the annual taxes upon that portion of said district lying within said last mentioned town, upon the several lots, pieces or parcels of land therein, in proportion to the valuations thereof as determined by the assessors under the fourteenth section of this act, and the two-thirds part thereof, together with the sum required to meet the principal and interest of the bonds issued by the town of New Utrecht under this act shall in like manner and proportion be levied and assessed upon the lands in that portion of said district lying within said last-mentioned town.

Annual
statement
of expense
of main-
tenance,
etc.

Assess-
ment of
amount.

§ 6. Section seventeen of said act is hereby amended so as to read as follows:

§ 17. The said supervisors shall at each annual meeting of the board of supervisors make a statement of the money required during the ensuing year to meet the expense of maintenance, improvement and po-

Statement
to board of
supervis-
ors.

Annual tax
on assess-
ment dis-
tricts in
town.

Payment
of tax to
supervis-
ors and
commis-
sioners.

licing and the principal and interest of the bonds issued by them under this act, and the said board shall cause the same to be levied, assessed and taxed as a part of the annual taxes as follows, to wit: One-third thereof upon that portion of the assessment district lying within the town of Gravesend upon the several lots, pieces or parcels of land therein, in proportion to the valuation thereof as determined by the assessors under the fourteenth section of this act, and two-thirds thereof upon the portion of the assessment district lying within the town of New Utrecht upon the several lots, pieces or parcels of land therein in proportion to the valuation thereof as determined by the assessors under the fourteenth section of this act. And said supervisors shall by warrant direct so much of said moneys as shall have been levied to meet the principal and interest of said bonds to be paid to the respective supervisors of the said towns in the proportion of one and two-thirds respectively, and the remainder of the money so levied, assessed and taxed to be paid to the said Bensonhurst park commissioners.

§ 7. This act shall take effect immediately.

CHAP. 362.

AN ACT to amend section seventy-two of chapter five hundred and sixty-five of the laws of eighteen hundred and ninety, entitled "An act in relation to railroads, constituting chapter thirty-nine of the general laws."

APPROVED by the Governor May 12, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Railroad
law
amended.

SECTION 1. Section seventy-two of chapter five hundred and sixty-five of the laws of eighteen hundred and ninety, entitled "An act in relation to railroads, constituting chapter thirty-nine of the general laws," is hereby amended so as to read as follows:

New cor-
poration,
upon con-
solidation.

§ 72. **New corporation.** Upon the consummation of such act of consolidation all the rights, privileges, exemptions and franchises of each of the corporations, parties to the same, and all the property, real, personal and mixed, and all the debts due on whatever account to either of them, as well as all stock subscriptions and other things in action belonging to either of them shall be taken and deemed to be transferred to and vested in such new corporation, without further act or deed; and all claims, demands, property, rights of way, and every other interest shall be as effectually the property of the new corporation as they were of the former corporations, parties to such agreement and act; and the title to all real estate, taken by deed or otherwise, under the laws of this state, vested in either of such corporations, parties to such agreement and act, shall not be deemed to revert or be in any way impaired by reason of this act, or anything done by virtue thereof, but shall be vested in the new corporation by virtue of such act of consolidation. And it shall be lawful for any railroad company or corporation, now or hereafter formed by the consolidation of one or more railroad companies or corporations organized under the laws of this state, or under the laws of this state and other states, with one or more railroad companies or corporations organized under the laws of any other state, or of the laws

May issue
bonds and
secure
same by
mortgage.

of this state and other states, to issue its bonds for the purpose of paying or retiring any bonds theretofore issued by either of said companies or corporations so consolidated, or for any purpose and to the amount authorized by the laws of the state under which either of said companies or corporations so consolidated was organized, and secure the same by a mortgage upon its real or personal property, franchises, rights and privileges, whether within or without this state, and subject to the remedies for the enforcement of the same under the laws of either of said states. Nothing in this act contained shall authorize the execution of any such mortgage without the consent of the stockholders as now required by the laws of this state, nor compel any bondholder to accept payment in whole or in part of any bond or bonds held by him or to surrender the same before they shall become due. Provide.

§ 2. This act shall take effect immediately.

CHAP. 363.

AN ACT to amend chapter two hundred and twenty-six of the laws of eighteen hundred and seventy-seven, entitled "An act supplementary to chapter three hundred and forty-nine of the laws of eighteen hundred and fifty-five, entitled 'An act incorporating the Oswego fire department of the city of Oswego and the acts amending the same.'"

APPROVED by the Governor May 12, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter two hundred and twenty-six of the laws of eighteen hundred and seventy-seven, entitled "An act incorporating the Oswego fire department of the city of Oswego and the acts amending the same," is hereby amended so as to read as follows: Charter amended.

§ 1. The council of the Oswego fire department shall hereafter be composed of seven persons who shall be residents, electors and freeholders of said city, and shall be appointed as follows: Two by the common council, upon the nomination of the mayor of said city, two by the board of fire commissioners of said city and two by the present council of the said Oswego fire department. Such appointments shall be made on or before the first day of May, eighteen hundred and seventy-seven, or as soon thereafter as practicable, and the persons so appointed shall meet on the tenth day of May, eighteen hundred and seventy-seven, or as soon thereafter as practicable, at the council room of the Oswego fire department, in the city hall, in the city of Oswego, and shall proceed to organize by appointing one of their number as president, and another as secretary of the said council, who shall hold their offices during the pleasure of the council. A majority of the persons so appointed, or to be appointed, shall be a quorum for the purpose of organizing the said council and of transacting any other business which may properly come before it. The persons so appointed shall hold their offices as follows: Those appointed by the board of fire commissioners for one year from the second Tuesday in March, eighteen hundred and seventy-seven; those appointed by the present council of the Oswego fire department for two years from that date; and those appointed by the common council upon the nomination of the Council of fire department.
Organization.
Quorum.
Terms.

Vacancies, how filled. mayor for three years from that date. Whenever a vacancy shall occur in the office of a member of said council, appointed by the common council, upon the nomination of the mayor, or by the board of fire commissioners of said city, whether by expiration of term, resignation, death, removal from the city or otherwise, such vacancy shall be filled by the same body and in the same manner as the original appointment. When a vacancy shall occur in the offices of the persons appointed by the present council of the Oswego fire department of that city, such vacancy shall be filled as follows: One by the appointment of the common council upon the nomination of the mayor, and the other by the board of fire commissioners of said city, and thereafter three of the members of the council of the Oswego fire department shall be filled by the common council, upon the nomination of the mayor, and three by the board of fire commissioners of said city as hereinbefore provided; and the mayor of said city by virtue of his office shall be a member of said council, exercising the same powers and duties as other members thereof.

Mayor, ex-officio member.

§ 2. Section two of said act is hereby amended so as to read as follows:

Powers and duties of council.

Disposition of property.

Permanent fund.

Income thereof, how expended.

Annual report to council.

§ 2. The said council so appointed shall possess all the powers and perform the duties of the special council of the Oswego fire department, except the power to designate days of public exercise, inspection and review, and shall have the care, management, custody and possession of all the property of said Oswego fire department. They shall dispose of the said property in such manner and upon such terms, by sale or long credit or otherwise, as shall appear to them to be best, the conveyance therefor to be executed by the chairman and secretary of said council, and the principal realized from such sale or disposition shall be a permanent fund, which shall be kept securely invested by the said council, and the interest or annual income of which shall be expended by the said council in relieving such members, and the families of such members of the present paid fire department and of the late volunteer fire department of the city of Oswego, as shall have received injury in the prosecution of their duties as such firemen, such relief to be given in such sums and in such manner as the said council of the Oswego fire department shall direct. If the annual interest or income of said fund shall not be required in any year for such relief, in the judgment of said council, the amount remaining unexpended shall be added to the principal of said fund, the interest thereof only afterwards to be expended as above provided, or the said council in their discretion shall expend the amount so remaining unexpended, or any part thereof, in providing reading matter, or a reading room, for the use of the present and former members of the Oswego fire department, and of old volunteer firemen of Oswego, or in such other manner as shall increase the comfort and improve the efficiency of the members of the fire department of the city of Oswego, or shall be conducive to relieving the necessities of old volunteer firemen of the city of Oswego, New York. The said council shall make between the first and thirtieth days of June in each year a report in writing duly verified by its president and treasurer to the common council of the city of Oswego, showing in detail the amount of property or funds in its possession and under its control, in what manner the same is kept invested, the interest or annual income received therefrom during the twelve months last preceding such report, to what persons and for what purposes said interest was disposed of or applied by said council.

§ 3. This act shall take effect immediately.

CHAP. 364.

AN ACT to amend section eight hundred and forty-one of the Code of Civil Procedure, relative to the presumption of the death of unknown heirs, in actions of partition, in certain cases.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section eight hundred and forty-one of the Code of Civil Procedure is hereby amended so as to read as follows:

§ 841. A person upon whose life an estate in real property depends, who remains without the United States, or absents himself in the state or elsewhere for seven years together, is presumed to be dead in an action or special proceeding concerning the property in which his death comes in question, unless it is affirmatively proved that he was alive within that time. And where in any action of partition in this state any portion of the proceeds of the sale of real property is or has been paid into court, or paid to the treasurer of any county for any unknown heirs, and has remained unclaimed for twenty-five years, after such payment by any person entitled thereto, the lapse of twenty-five years after such payment raises the presumption of the death of such unknown heirs at the time of the sale of such real property and before such payment, and after the lapse of twenty-five years after such payment it shall be presumed that there were no such unknown heirs living at the time of such sale or payment, and in any action or proceeding taken for the purpose of distributing and paying over such proceeds, all such unknown heirs are presumed and they shall be presumed to have been dead at the time of such sale and before such payment into court, or to the treasurer of any county.

Presumption of death in certain cases.

How affecting distribution of unclaimed proceeds of sale

§ 2. This act shall take effect immediately.

CHAP. 365.

AN ACT to amend section fifteen hundred and eighty-two of the Code of Civil Procedure, relative to the distribution of unclaimed moneys arising from the proceeds of sales of real property in actions of partition, in certain cases, and providing a mode of procedure therefor and creating a statute of limitations and rules of evidence and a remedy in such cases.

APPROVED by the Governor May 12, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section fifteen hundred and eighty-two of the Code of Civil Procedure, is hereby amended so as to read as follows:

§ 1582. Where a person has been made a defendant as an unknown person; or where the name of a defendant is unknown; or where the summons has been served upon a defendant without the state, or by publication, and he has not appeared in the action; the court must direct his portion to be invested in permanent securities, at interest, for his benefit, until claimed by him or his legal representatives; but after the lapse of twenty-five years from the time of the payment into

Investment of proceeds due unknown or absent heirs.

Proceedings for distribution of same.

Publication of notice.

Contents thereof.

Publication, due service, etc.

Appearance to establish heirship, etc.

Effect of non-appearance.

Powers of court.

court, or to the treasurer of any county, of any portion of the proceeds of the sale of real property, for unknown heirs, heretofore or hereafter to be made in any action of partition, without any claim therefor having been made by any person entitled thereto, and upon there being made and presented to the court, at a special term thereof, proof, by petition or otherwise, showing to the satisfaction of the court, that due inquiry for such unknown heirs, or their representatives, has been made and that they cannot be found, and that no claim has been made for such portion of said proceeds by any person entitled thereto, proceedings shall thereupon be taken in said court, and an investigation had therein as to the heirship, death or whereabouts of such unknown heirs or their representatives, and the said court shall, by an order made in the action, direct that a notice entitled in the action and signed by the petitioner, or his attorney, and directed to such unknown heirs or their representatives be served upon them by the publication thereof, the same to be published once in each week for six successive weeks in a newspaper published in the county where the action was brought, and in such other newspapers as the court may direct, ordering and requiring such unknown heirs, or their representatives, and each of them to be and appear in said court at a special term thereof at a time and place to be specified in said order and notice, and at least six weeks from the date of the first publication of such notice, to then and there establish their heirship and identity, and submit any proof, as to such unknown heirs, or their representatives, they may desire, and that in case of their default in so doing, that the said proceeds will be distributed and paid over to the known heirs of the ancestor from whom such unknown heirs derived title thereto, and to their heirs and assigns, and that they and each of them shall thereafter be forever barred of and from all and every cause or causes of action for such proceeds, or on account thereof, or growing out of the distribution thereof, and of and from all right, title, claim and interest in and to such proceeds, and shall be deemed to have surrendered all right, claim and interest in and to such proceeds. The publication of such notice as required by said order, is hereby made and shall be deemed and taken for all purposes to be a due and complete service upon each and every of such unknown heirs, or their representatives, of due notice of the proceedings to distribute and pay out such proceeds, and shall be conclusive upon each and all of them; and proof of the publication of such notice may be made by affidavit of the publisher of such paper or papers. At the time and place specified in the said order and notice, such unknown heirs, or their representatives, shall appear in court in person or by attorney, and make proof establishing their heirship and identity, and upon such proof being made to the satisfaction of the court, the proceedings for distribution shall be dismissed. And if such unknown heirs, or their representatives, do not so appear in court, at the time and place specified in such notice and order, to establish their heirship and identity, they and each of them, and every person claiming under or through them, shall thereafter be forever barred, of and from all and every cause or causes of action for such proceeds, or on account thereof, or growing out of the distribution of such proceeds, and of and from all right, title, claim and interest in and to such proceeds, and shall be deemed to have surrendered all right claim and interest in and to such proceeds. And upon proofs being made of such publication, and showing to the satisfaction of the court that such unknown heirs, or their representatives, can not be found or are dead, the said court shall

have power to decree accordingly, and to decree that the share or interest of such unknown heirs in such real property was vested, at the time of such sale, in the known heirs of the ancestors from whom such unknown heirs derived title thereto, and to decree that the unclaimed portion of such proceeds was vested at the time of such payment in such known heirs, and that such heirs, their heirs and assigns, are entitled thereto, and not next of kin, distributees or representatives; and the said court shall make an order in such action, directing the payment to them, or their assigns, of the respective shares, or portions of, or interest in such proceeds to which they are entitled; and which order shall be entered in the office of the clerk of the county where the original action was brought, and after having been so entered for three months, shall be conclusive evidence of the regularity of the proceedings upon which it is based, and of all the facts set forth therein; and, upon serving upon the county treasurer a certified copy of such order, the treasurer shall so pay over and distribute such proceeds, after deducting his lawful commissions, and shall thereupon be exempt from all liability on account thereof.

Order directing payment to known heirs.

Payment by county treasurer.

§ 2. This act shall take effect the first day of September eighteen hundred and ninety-one.

CHAP. 366.

AN ACT to amend chapter three hundred and thirty-two of the laws of eighteen hundred and fifty-four, entitled "An act prescribing regulations in regard to the management of the canals and for other purposes."

APPROVED by the Governor May 12, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section nine of chapter three hundred and thirty-two of the laws of eighteen hundred and fifty-four, entitled "An act prescribing regulations in regard to the management of the canals and for other purposes," is hereby amended so as to read as follows:

§ 9. Hereafter no street or road bridges shall be constructed or reconstructed by the superintendent of public works over any canal in this state except upon such streets or roads as were laid out, worked and used previous to the construction of the canals by which such streets or roads were obstructed; and when bridges are constructed or reconstructed, upon any of the streets or roads aforesaid, the cost to the state shall in no case be more than is required to preserve in a safe and substantial manner the continuity of such streets or roads so as not unnecessarily to impair their usefulness; but when bridges of a more costly character are desired by the local authorities of the cities, towns or villages within whose corporate limits bridges are to be built or rebuilt, it shall be lawful for the superintendent of public works, upon presentation to him by such local authorities of plans and specifications therefor, approved by the state engineer and surveyor, to estimate and determine the proportion of the cost thereof, which, in the fulfillment of its obligation to preserve the continuity of streets and roads as aforesaid, the state ought equitably to pay, and file such

Highway bridges over canals, construction, etc., of.

estimate and determination in his office and a duplicate thereof in the office of the clerk of the city, town or village, wherein said bridge is to be located, and no more than such proportion so determined as aforesaid, shall hereafter be appropriated by the legislature for such purposes, and then only on condition that such cities, towns or villages shall pay the remainder of said costs.

§ 2. This act shall take effect immediately.

CHAP. 367.

AN ACT to amend section thirty-two of chapter five hundred and sixty-five of the laws of eighteen hundred and ninety, entitled "An act in relation to railroads constituting chapter thirty-nine of the general laws."

APPROVED by the Governor May 12, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Railroad
law
amended.

SECTION 1. Section thirty-two of chapter five hundred and sixty-five of the laws of eighteen hundred and ninety, entitled "An act in relation to railroads constituting chapter thirty-nine of the general laws," is hereby amended so as to read as follows:

Fences
and cattle
guards

§ 32. Every railroad corporation and any lessee, or other person, in possession of its road, shall before the lines of its roads are open for use, and so soon as it has acquired the right of way for its roadway, erect and thereafter maintain on the sides of its road, fences of the length and strength of a lawful division fence, with openings or gates or bars therein, at the farm crossings, for the use of the owner, and occupants of the adjoining land and shall also construct, where not already done, and hereafter maintain cattle-guards at all road crossings, suitable and sufficient to prevent cattle, horses, sheep and hogs, from going upon its railroad. So long as such fences are not made or not in good repair, the corporation, its lessee or other person in possession of its road, shall be liable for all damages done by their agents or engines, or cars, to any domestic animals thereon, but when made and in good repair, they shall not be liable for any such damages, unless negligently or willfully done. A sufficient post and wire fence of requisite height shall be deemed a lawful fence within the provisions of this section, but barbed wire shall not be used in constructing the same, and no railroad need be fenced, when not necessary to prevent horses, cattle, sheep and hogs from going upon its track from the adjoining land. Every adjoining land owner who, or whose grantor has received compensation for fencing the line of land taken for a railroad and has agreed to build and maintain a lawful fence along such line shall build and maintain such fence; and if such owner, his heir or assign, shall not build such fence, or if built shall neglect to maintain the same, during the period of thirty days after he has been notified so to do by the railroad corporation, such corporation may thereafter build and maintain such fence, and may recover of the person neglecting to build and maintain it the expense thereof.

Liability
for dam-
ages to
animals.

Wire
fences.

Fences,
when not
required.

Building
and main-
tenance
of, by land
owners.

§ 2. This act shall take effect immediately.

CHAP. 368.

AN ACT to repeal chapter two hundred and forty-nine of the laws of eighteen hundred and eighty-three, entitled "An act to release to Forster J. Maynard the right, title and interest of the people of the state of New York in and to certain real estate in the town of Oyster Bay, Queens county."

APPROVED by the Governor May 12, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter two hundred and forty-nine of the laws of eighteen hundred and eighty-three, entitled "An act to release to Forster J. Maynard the right, title and interest of the people of the state of New York in and to certain real estate in the town of Oyster Bay, Queens county," is hereby repealed. Repeal.

§ 2. This act shall take effect immediately.

CHAP. 369.

AN ACT to amend section thirteen hundred and thirty-five of the Code of Civil Procedure, relating to qualification of sureties.

APPROVED by the Governor May 14, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirteen hundred and thirty-five of the Code of Civil Procedure, is hereby amended so as to read as follows:

§ 1335. It is not necessary that the undertaking should be approved; but attorney for the respondent may, within ten days after the service of a copy of the undertaking with notice of the filing thereof, serve upon the attorney for the appellant, a written notice that he excepts to the sufficiency of the sureties. Within ten days thereafter, the sureties, or other sureties in a new undertaking to the same effect, must justify before the court below, or a judge thereof, or a referee appointed by the same, or a county judge. At least five days notice of the justification must be given. A referee may be appointed upon the motion of either party, or upon the court's own motion to take the justification of such sureties and to report the evidence upon the same to the court or judge with his opinion. The court may further direct that either party shall pay the expenses of such reference. If the court or judge finds the sureties sufficient he must indorse his allowance of them upon the undertaking, or a copy thereof, and a notice of the allowance must be served upon the attorney for the exceptant. The effect of a failure so to justify and procure an allowance, is the same as if the undertaking had not been given. The court shall also have power, in case it shall be made to appear to its satisfaction, upon motion, that the exception was taken unnecessarily or for purposes of vexation or delay, to set the same aside and approve the undertaking. Exception to sureties.
Justification thereof.
Power to set exception aside, etc.

CHAP. 370.

AN ACT to authorize the city of Buffalo to issue bonds to defray the expense of improving for park purposes the lands acquired or to be acquired under chapter five hundred and fifty-seven of the laws of eighteen hundred and eighty-seven, entitled "An act to authorize the park commissioners of the city of Buffalo to select and locate such ground as may be deemed desirable for park purposes in the thirteenth ward of said city, and in the town of West Seneca, Erie county," and the acts amendatory thereof.

APPROVED by the Governor May 14, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Issue of
additional
bonds,
author-
ized.

How
known and
when pay-
able.

Interest.

Additional
fund.

Register of
bonds
issued.

Sale and
payment
of pro-
ceeds.

Pledging
of bonds
for loans.

Loans by

SECTION 1. In addition to the bonds, the issue of which is already authorized under and by virtue of the provisions of chapter five hundred and fifty-seven of the laws of eighteen hundred and eighty-seven, entitled "An act to authorize the park commissioners of the city of Buffalo to select and locate such ground as may be deemed desirable for park purposes in the thirteenth ward of said city and in the town of West Seneca, Erie county," as amended, the city of Buffalo is hereby authorized and empowered to issue its bonds in such further sum as may be deemed advisable, not exceeding fifty thousand dollars for the purpose of permanently improving the lands and premises that have been heretofore, or that may be hereafter acquired by said city under and by virtue of the provisions of said act of the legislature of eighteen hundred and eighty-seven, as amended. Such bonds shall be issued, from time to time as the same may be required for the purpose aforesaid, by the mayor and comptroller of said city upon the resolution of the common council to be adopted upon the recommendation of the park commissioners of said city. Said bonds shall be known as the "Buffalo park" bonds, issue of eighteen hundred and ninety-one, and shall be payable by their terms in not less than ten nor more than forty years from the date thereof, as shall be determined by the said common council, and shall bear interest at a rate not exceeding four per centum per annum, payable semi-annually, on the first days of January and July in each year, at such place or places as shall be designated in the resolution of said common council; and the said bonds and the proceeds of the sale thereof shall constitute an additional fund for the laying out, improvement and embellishment of the aforesaid lands. The comptroller shall cause to be kept in his office in a book to be provided for that purpose, a true and correct statement and account of each and every bond issued under the provisions of this act, showing the number of each bond, and the date and amount thereof, and the time when due; and such books shall be open for public inspection and shall be delivered by the comptroller to his successor in office. The bonds which shall be issued by virtue of this act may be sold at public or private sale, or by subscription, and on such terms, not less than par, as the common council of said city may prescribe, and the proceeds of such sale shall be paid over to the treasurer of said city, or said treasurer may, with the concurrence of the mayor and comptroller of said city, pledge any of the said bonds for money borrowed temporarily and for the purposes of this act, at a rate of interest not exceeding four per centum per annum; and any

savings bank in said city may loan its funds to the city of Buffalo for the purposes of this act; and the bonds of the city of Buffalo shall be issued to the bank making such loan in manner and form as above prescribed, at a rate not exceeding four per centum per annum, and payable by their terms not sooner than ten nor more than forty years from their date. Provision shall be made by the comptroller of said city in the annual estimates presented by him to the common council of said city for raising by general tax the amount that may be necessary to pay the interest upon and the principal of such bonds falling due each year; and it shall be the duty of said council to cause such amount to be included in the general tax.

saving
banks.

Tax for
principal
and
interest.

§ 2. The provisions of section three hundred and fifteen of chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo," shall be applicable to all lands that have been heretofore, or that may be hereafter acquired by said city, under and by virtue of said chapter five hundred and fifty-seven of the laws of eighteen hundred and eighty-seven, as amended.

City
charter
applicable.

§ 3. This act shall take effect immediately.

CHAP. 371.

AN ACT to amend chapter two hundred and thirty of the laws of eighteen hundred and eighty-four, entitled "An act to authorize and enable the county of Kings for the care, custody and relief of its poor and insane, to purchase, erect and maintain, outside of the limits of said county, a farm and buildings, and to issue bonds to meet the expense thereof."

APPROVED by the Governor May 18, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter two hundred and thirty of the laws of eighteen hundred and eighty-four, entitled "An act to authorize and enable the county of Kings, for the care, custody and relief of its poor and insane, to purchase, erect and maintain, outside the limits of said county, a farm and buildings, and to issue bonds to meet the expense thereof," is hereby amended to read as follows:

§ 1. The board of commissioners of charities and corrections of the county of Kings, and the member or members if any of the state board of charities residing in the county of Kings, shall, as soon as practicable after the passage of this act, recommend one or more parcels of land from which to select a site for a county farm, outside the limits of said county, not exceeding in quantity one thousand acres, or in value one hundred thousand dollars, and may recommend the purchase of the same to the board of supervisors of the county of Kings. The said board of supervisors may, by resolution, adopt the recommendations so made to it, or may reject the same. In case of a rejection thereof the said board of commissioners of charities and corrections, and member or members of the state board of charities shall, as in the first instance, select and recommend as aforesaid other land, and continue so to do until a site, so selected and recommended, shall be approved by the said board of supervisors. Upon the approval, as aforesaid, by the board of supervisors of any recommendation made to it as afore-

Site for
county
farm,
selection
and approval of.

Purchase
of land.

Sewer and
water-
pipes for
buildings,
etc., lay-
ing of.

said, the said board may purchase the land so recommended to be purchased, and may take and hold the same in fee in the name of the county of Kings. After the purchase of said land the said board of supervisors of Kings county may, at any time thereafter, lay such sewer to empty into "Long Island sound," and water-pipes or conduits, as they may deem necessary, for the use of said premises and the buildings thereon, and for the use of such as shall hereafter be placed thereon, and for that purpose the said board of supervisors are authorized to enter upon any highway in the county where the lands purchased are situated, and make such excavations as they may deem necessary thereon for the laying of such pipes or conduits, and after said pipes or conduits are laid, to restore said highway to the condition it was in before the said pipes or conduits were laid and before the said excavations were made, and the county of Kings shall be liable for all damages which may be sustained by any person using the said highway where said excavations are made, if said injuries are occasioned without the negligence of said person, and by the negligence of said board of supervisors during the progress of the work hereby directed to be performed.

Liability
of county
for dam-
ages.

§ 2. Section five of said act is hereby amended so as to read as follows

Taxation
of land.

§ 5. The land so purchased shall be subject to taxation in the county where situated, upon an assessed valuation equal to, but not greater than the amount paid therefor by the county of Kings exclusive of any buildings or improvements thereon, which buildings and improvements shall be exempt from all taxation and without reference to the assessed value of other lands in the same town.

Exemption
of build-
ings, etc.

§ 3. Section eight of said act is hereby amended so as to read as follows

Construc-
tion of act.

§ 8. Nothing in this act contained shall be deemed to abridge the present authority or control of the board of charities and corrections over insane persons committed in, or poor persons being or becoming a charge upon the county of Kings, but the said board of charities and corrections shall, except for the erection of buildings, have the government, management, maintenance and direction of the premises, hereby authorized to be purchased, and of the several institutions and buildings with the appurtenances thereto, which may be thereon erected, together with the employment, relief, support, and government of the persons therein placed, but the said board of commissioners of charities and corrections shall not discharge any insane person or pauper, committed to any of the buildings on said lands purchased as hereinbefore provided, in the county where said land is situated, but all such persons shall be discharged in the county of Kings in the same manner as paupers and insane persons are now discharged in said county of Kings by the said board of commissioners of charities and corrections.

Control,
etc., of
premises
and build-
ings.

Discharge
of insane
persons
and pau-
pers

§ 4. This act shall take effect immediately.

CHAP. 372.

AN ACT to provide for the publication of the session laws from eighteen hundred and two to eighteen hundred and fourteen, inclusive.

APPROVED by the Governor May 18, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The secretary of state is directed to republish verbatim preserving the original spelling and punctuation, the session laws of this state from eighteen hundred and two to eighteen hundred and fourteen, both inclusive. References showing when each law was amended or repealed may be added.

Duty of secretary of state.

§ 2. The publication shall be in octavo volumes of not less than six hundred or more than eight hundred pages each, with an index to each volume, and of a material in style and quality equal to the session laws of eighteen hundred and eighty-seven.

Manner of publication.

§ 3. The edition shall consist of one thousand copies and shall be distributed, one set each to the various bodies, officials and departments, except town clerks, who are now entitled by law to receive printed copies of the session laws. The remainder shall be delivered to the trustees of the state library, who shall use two hundred copies for literary and scientific exchanges, and after reserving a sufficient number of copies for the future use of the state, they shall in their discretion, sell the balance at a price to be fixed by them, and pay the proceeds into the treasury of the state.

Edition, how distributed.

Sale of certain copies.

§ 4. Three thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, to carry this act into effect, and the same shall be paid by the treasurer on the warrant of the comptroller in such sums and to such persons as the secretary of state shall approve. The work herein authorized shall not be begun unless it can be completed for the sum herein appropriated.

Appropriation.

Proviso.

§ 5. The title page of each volume shall state that it was published pursuant to this act, and the same may be cited in any action or proceeding with the same force as the original edition.

Certificate on title page.

§ 6. This act shall take effect immediately.

CHAP. 373.

AN ACT to prevent any increase of the tolls and fares of the Union Ferry Company of the city of Brooklyn.

APPROVED by the Governor May 18, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Union Ferry Company of the city of Brooklyn or its successors shall not charge or accept any higher rate of tolls or fares than were charged and accepted by the said company or corporation on the first day of January, eighteen hundred and ninety-one.

Increase of tolls or fares, prohibited.

Commission, hours, not to be reduced.

Fare and tolls during same.

Hours fixed.

§ 2. The said company or corporation or its successors shall not change or reduce the hours of the day and night which were recognized as commission hours during which a lower rate of tolls and fares was received, as said commission hours existed on the first day of January, eighteen hundred and ninety-one, and the reduced rate of fare and tolls as received and accepted during such commission hours on the said first day of January, shall not be increased at any time by the said company or corporation. The said commission hours as existing on the said first day of January aforesaid, namely, from five o'clock until half-past seven o'clock in the morning and from five o'clock until half-past seven o'clock in the afternoon of each and every day are hereby fixed as commission hours, during and throughout which the said reduced rate of fare and tolls only shall be charged and received by the said company or corporation.

§ 3. This act shall take effect immediately.

CHAP. 374.

AN ACT to amend chapter five hundred and forty-six of the laws of eighteen hundred and eighty-seven, entitled "An act to provide for the organization of trust companies, for their supervision and for the administration of their affairs."

APPROVED by the Governor May 18, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section nineteen of chapter five hundred and forty-six of the laws of eighteen hundred and eighty-seven, entitled "An act to provide for the organization of trust companies, for their supervision, and for the administration of their affairs," is hereby amended so as to read as follows:

Capital stock.

Increase thereof.

Shares.

§ 19. The capital stock of any such trust company must be at least five hundred thousand dollars, provided, however, that trust companies with a capital of not less than two hundred thousand dollars may be organized in any city, the population of which does not exceed one hundred thousand inhabitants, and that trust companies with not less than one hundred thousand dollars capital, may be organized in any city or village, the population of which does not exceed twenty-five thousand inhabitants. The capital stock of a trust company may be increased from time to time, by a vote of two-thirds of the stockholders of said company in number and amount to a sum not exceeding two million dollars, such capital stock shall be divided into shares of one hundred dollars each, which shares shall be deemed personal property and shall be transferable in such manner as shall be prescribed by the by-laws of the said company.

§ 2. This act shall take effect immediately.

CHAP. 375.

AN ACT to amend an act passed April seventeen, eighteen hundred and sixty-one, entitled "An act to amend the act passed May eighth, eighteen hundred and forty-six, entitled 'An act to authorize the establishment of the house of refuge for juvenile delinquents in western New York.'"

APPROVED by the Governor May 18, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Chapter three hundred and six of the laws of eighteen hundred and sixty-one, entitled "An act to authorize the establishment of the house of refuge for juvenile delinquents in western New York," is hereby amended so as to read as follows :

§ 1. Whenever it shall appear to the board of managers of the state industrial school that any of the delinquents therein confined shall have been guilty of attempting willfully to set fire to any building belonging to the institution, or any combustible matter for the purpose of setting fire to any such building, or that any delinquent shall have been guilty of openly resisting the lawful authority of the officers of the institution, or of attempting, by threats or otherwise, to excite others to do so, or shall, by gross or habitual misconduct, exert a dangerous and pernicious influence over the other delinquents, it shall be lawful for them to submit a written statement of the facts in any such case to a judge of the supreme court, or to the county judge of the county of Monroe, and thereupon apply to him for an order authorizing the temporary confinement of such delinquent for correction, in the Monroe county penitentiary, or in the New York state reformatory at Elmira.

Confinement of delinquents for certain offenses, application for.

§ 2. It shall be the duty of the judge forthwith summarily to inquire into the facts of the case, and if it shall appear to him that the statement is substantially true, and that the case is one in which the ends designed to be accomplished by the institution will be best promoted by it, he shall thereupon make an order authorizing the confinement of the delinquent in the said penitentiary, or in the New York state reformatory in Elmira, for a limited period, to be expressed in the order, and the superintendent or keeper of the said penitentiary, or New York state reformatory at Elmira, is hereby authorized and required to receive such delinquent, and detain him during the period expressed in such order, unless the board of managers shall previously direct him to be returned to the said state industrial school, provided however that no such delinquent who is under sixteen years of age shall be committed to the New York state reformatory at Elmira.

Commitment to penitentiary or state reformatory.

Detention in same authorized.

Proviso.

§ 3. At the expiration of the period limited by the said order, or sooner, if the said board of managers shall direct it, the superintendent or keeper of the said penitentiary, or the New York state reformatory at Elmira, shall return such delinquent to the custody and care of the superintendent of the said state industrial school, to be further dealt with according to the laws, rules and regulations ordained for its government.

Return of delinquent.

§ 4. This act shall take effect immediately.

CHAP. 376.

AN ACT to amend chapter twenty-six of the laws of eighteen hundred and eighty-five, entitled "An act to revise, amend and consolidate the several acts in relation to the city of Syracuse, and to revise and amend the charter of said city."

APPROVED by the Governor May 18, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

City
charter
amended.

Annual
city tax.

For fire
depart-
ment.

Bridges,
sewers,
street
cleaning,
etc.

Local im-
prove-
ments.
Ordinary
and con-
tingent
expenses.

Limitation
of tax.

Additional
tax.

For fire
apparatus.

Trunk
sewer.

Examina-
tion and
survey for
sewerage
system.

Burnet
park.

SECTION 1. Section one hundred and two of chapter twenty-six of the laws of eighteen hundred and eighty-five, entitled "An act to revise, amend and consolidate the several acts in relation to the city of Syracuse, and to revise and amend the charter of said city," is hereby further amended so as to read as follows:

§ 102. For the expenses and support of the fire department, including salaries, a sum not exceeding one hundred and ten thousand dollars.

§ 2. Section one hundred and five of said act is hereby further amended so as to read as follows:

§ 105. 1. For repairing bridges and sewers and repairing and cleaning streets, a sum not exceeding forty-five thousand dollars.

2. To defray the city's share of local improvements, a sum not exceeding twenty thousand dollars.

3. To defray the ordinary and contingent expenses of the city, including interest on temporary loans, the payment of judgments and adjustments of claims, the expenses of the board of health, the expenses of the poor department, the expenses of the police court, salaries, and all other miscellaneous expenses, a sum not exceeding one hundred and twenty-five thousand dollars.

§ 3. Section one hundred and six of said act, is further amended so as to read as follows:

§ 106. The aggregate of the annual city tax levy, exclusive of local assessments, shall not in any one year exceed the sum of seven hundred and fifty thousand dollars for all purposes; provided, however, that in the city tax levy for the year one thousand eight hundred and ninety-one there may be included in addition to the annual levy provided for by the section hereby amended, the following named sums for the purposes specified, namely:

For the purchase and equipment of additional fire apparatus a sum not exceeding thirty thousand dollars.

For the construction of a trunk sewer in Delaware street from Harbor brook to Geddes street a sum not exceeding four thousand dollars.

To defray the expenses, including salaries, of an examination and survey for a system of trunk sewerage for said city the sum of five thousand dollars, and the mayor is hereby authorized to cause such survey and examination to be made, and to appoint suitable and competent engineers for that purpose.

Provided also that in the annual city tax levy of each of the fiscal years, one thousand eight hundred and ninety-one and one thousand eight hundred and ninety-two, there shall be included the further sum of ten thousand dollars for the improvement of Burnet park.

§ 4. Section one hundred and forty-two of said act, is here-further* amended to read as follows:

§ 142. Upon the completion of any local improvement the commissioner of public works shall certify the fact to the common council and the total cost thereof, including the cost of inspection and all other expenses incidental to such improvement. Whenever such total cost shall exceed the sum of one thousand dollars, the common council may, in its discretion, issue local improvement bonds, in amount not exceeding, in the aggregate, four-fifths of such total cost, nor in excess of the amount of such cost remaining unpaid as shall be certified by the city treasurer at the expiration of the sixty days mentioned in section one hundred and forty-five of said chapter, one-fourth of which shall mature in one year, one-fourth in two years, one-fourth in three years, and one-fourth in four years, from a date not more than ninety days after the date of the certificate of the city treasurer. Such bonds shall be executed by the mayor and city clerk under the corporate seal of said city, and shall be issued at not less than the par value thereof, and shall bear interest at a rate to be approved by the common council, not exceeding four per centum per annum, and shall specify the improvement for which they are issued. The proceeds of the sales of such bonds shall be applied toward the payment cost of such improvement. Such part of the proceeds of the assessment, hereinafter provided for such improvement, as shall be necessary, shall be applied in payment and redemption of the bonds hereby authorized, with interest thereon as provided therein, as the same shall become due and payable. The surplus, if any, shall be credited to the contingent fund. Upon receipt of the certificate of the commissioner of public works above referred to, the common council shall direct the total cost of such improvement to be assessed by the assessors of the city, and it shall be their duty immediately to assess the same upon the property fronting upon the street, or part of a street, in or upon which the improvement has been made, in an equitable manner, as near as may be, in proportion to the benefits which each owner of such property may be deemed to derive therefrom, without reference to erection or improvements thereon. Provided, however, the common council may, during the progress of the work upon any local improvement, upon the certificate of the commissioner of public works, that a portion thereof has been completed in accordance with the terms of the contract therefor, estimating the value of the part so performed at the contract price therefor, advance to the contractor, upon the contract price a sum not exceeding seventy-five per centum of the estimate so given. Such advance payment shall be refunded out of the proceeds of the assessment for such work, or of bonds issued on account thereof.

Certificate of cost of improvements.

Local improvement bonds, issue of.

Proceeds of sale.

Redemption of bonds.

Assessment of cost of improvements.

Advances to contractors.

§ 5. Section one hundred and forty-five of said act is hereby further amended so as to read as follows:

§ 145. Whenever the assessment-roll for any local improvement shall be left with the treasurer he shall receive the taxes thereon for the first ten days without fee; for ten days thereafter at one per centum fee; for the next twenty days at three per centum fee, and for the succeeding twenty days at five per centum fee. If any such taxes remain unpaid at the expiration of the sixty days herein mentioned the said treasurer shall proceed to collect the same with the fees thereon and interest at the rate of twelve per centum per annum, in the same manner as directed in this act for the collection of county or city taxes

Fees for collection of taxes for improvements.

Collection of unpaid taxes.

* So in the original

Taxes
payable in
install-
ments.

by distress and sale. Provided that in any case when the common council shall issue local improvement bonds as authorized by section one hundred and forty-two of said chapter as amended, the payment of one-fifth of every such tax shall become due and payable at the time or times, and subject to the penalties above prescribed; one-fifth thereof, with one year's interest thereon added at the rate of five per centum per annum, shall become due and payable one year thereafter, subject thereafter to the same penalties, and all provisions for the enforcement and collection of said assessment; one-fifth thereof, with two years' interest thereon added at the rate of five per centum per annum, shall become due and payable two years thereafter, subject thereafter to the same penalties and provisions; one-fifth thereof with three years' interest thereon added at the rate of five per centum per annum, shall become due and payable three years thereafter, subject thereafter to the same penalties and provisions; and one-fifth thereof with four years' interest thereon added at the rate of five per centum per annum, shall become due and payable four years thereafter subject thereafter to the same penalties and provisions. In case of any default in payment of any installment within sixty days after the same becomes due and payable as above provided, the whole amount of the tax assessed upon such improvement against the person or persons so in default, with fees as above prescribed, computed upon such whole amount, shall thereupon become and be due and payable; and the treasurer shall proceed to collect the same with the fees and interest thereon at the rate of twelve per centum per annum, in the manner above prescribed.

Default in
payment
of install-
ments.

§ 6. This act shall take effect immediately.

CHAP. 377.

AN ACT to provide for the acceptance and care, by the regents of the university, of the medical library donated to the state by the Albany medical college.

APPROVED by the Governor May 21, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. The sum of five thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, to be paid by the treasurer on the warrant of the comptroller, on vouchers duly authenticated by the regents of the university, for the necessary expenses of providing suitable shelving and furniture to receive the medical library offered to the state by the Albany medical college, and for the necessary expenses of shelving, arranging and cataloguing the said library.

Library a
part of
state
library.

Available
for borrow-
ing books.

§ 2. The said medical library shall be a part of the New York state library under the same government and regulations and shall be open for consultation to every citizen of the state at all hours when the state law library is open and shall be available for borrowing books to every accredited physician residing in the state of New York, who shall conform to the rules made by the regents for insuring proper protection and the largest usefulness to the people of the said medical library.

§ 3. This act shall take effect immediately.

CHAP. 378.

AN ACT to amend sections twelve hundred and eighty-eight and thirteen hundred and seventy-two of chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled "An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York," relative to district courts.

APPROVED by the Governor May 21, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twelve hundred and eighty-eight of chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled "An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York," is hereby amended so that the same shall read as follows :

Consolidation act amended.

§ 1288. Said courts shall continue to exercise the jurisdiction and powers vested in them by law on September first, eighteen hundred and seventy-seven, according to the course and practice of the court, except as otherwise prescribed in the Code of Civil Procedure or acts passed subsequent to said act. Sections eight to fourteen, inclusive, of the Code of Civil Procedure (excepting subdivision seven of said section fourteen) are hereby made applicable to and shall govern said courts.

District courts, jurisdiction of.

§ 2. Section thirteen hundred and seventy-two of said chapter is hereby amended so that the same shall read as follows :

§ 1372. A trial by jury must be demanded at the time of the joining of an issue of fact, and is waived if neither party then demand it; when demanded, the trial of the case may be adjourned until the time fixed for the return of the jury. The clerk in each action or special proceeding in which a jury trial is to be had, must publicly draw twelve persons from the undrawn jury box, and deliver the list thereof to a marshal, or to a person deputed by the justice for that purpose, with a written or printed notice directed to each person named in the list, requiring him to attend as directed, as a juror, at a time specified therein, out of which number six of the persons attending shall be drawn to try the cause, provided that number appear. When an issue of fact has been joined in an action or special proceeding, and a trial by jury has not been demanded the justice may in his discretion at any stage of the action or proceeding, direct that a trial thereof be had by jury, and a trial by jury shall thereupon be had in the same manner as though either of the parties had demanded it, but the justice shall require the fees for the jurors, and for summoning them, to be paid before the rendition of judgment, by the party in whose favor the verdict is rendered, to be taxed as part of the costs. If after a trial shall have been had before the justice without a jury, the justice shall, within eight days after the submission of the case or proceeding, certify that the evidence is of such a conflicting nature that he has been unable to determine the issue of fact, and that he deems it proper that the same should be tried by jury he may, by an order, set the same down for trial by a jury for a day not more than eight days from the time of the making of the order,

Trial by jury.

Drawing of jurors.

Trial by jury may be ordered at any stage.

May be ordered after submission of case.

and thereupon the action or proceeding shall be continued in court, and tried by jury as hereinbefore provided in the case where a trial by jury is ordered by the justice before the trial.

CHAP. 379.

AN ACT to amend chapter three hundred and thirty-four of the laws of eighteen hundred and eighty-four, entitled "An act authorizing the commissioners of the board of claims to appoint a deputy clerk, and for other purposes."

APPROVED by the Governor May 21, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter three hundred and thirty-four of the laws of eighteen hundred and eighty-four, entitled "An act authorizing the commissioners of the board of claims to appoint a deputy clerk, and for other purposes," is hereby amended to read as follows:

Deputy
clerk.

§ 1. The commissioners of the board of claims are hereby authorized and empowered to appoint, and at pleasure to remove, a deputy clerk. Said deputy clerk shall render and perform such services as may be assigned to him by said commissioners of the board of claims, and its clerk, and in the absence, or incapacity of the said clerk by reason of sickness or otherwise, and in the event of a vacancy in the office of said clerk, he shall perform the duties of said clerk. Said deputy clerk shall receive an annual salary of twenty-five hundred dollars, to be paid monthly.

Annual
salary.

§ 2. This act shall take effect immediately.

CHAP. 380.

AN ACT to amend chapter forty of the laws of eighteen hundred and eighty-eight, entitled "An act to incorporate the city of Hornellsville," as amended by chapter three hundred and seventy-four of the laws of eighteen hundred and eighty-eight, and chapter one hundred and twenty-five of the laws of eighteen hundred and eighty-nine, and chapter four hundred and seventy-two of the laws of eighteen hundred and ninety.

APPROVED by the Governor May 21, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirteen of title two of said act is hereby amended so as to read as follows:

Commis-
sioners of
excise.

§ 13. The commissioners of excise of the town of Hornellsville, in office when this act takes effect, shall be commissioners of excise in and for said city, and shall discharge their duties as such in the manner provided in this act, and no commissioners of excise shall be elected under this act, except that as the term of office of said town

commissioners shall severally expire, a commissioner for said city shall be elected in and for said city under this act. At each annual election after said first election, a commissioner of excise shall be elected, who shall hold office three years. No commissioner of excise elected or appointed under this act shall, while acting as such commissioner, hold the office of mayor, alderman, supervisor, recorder or city clerk. Said commissioners of excise shall compose the board of excise of said city. All general laws of this state relating to the powers, duties and compensation of commissioners of excise elected or appointed in the several towns of Steuben county, and to the disposition of excise money received by them, shall apply to and govern the powers, duties and compensation of excise commissioners elected or appointed in said city by virtue of this act, and to the disposition of excise moneys received by them, except so far as the same may be inconsistent with the provisions of this act. Said commissioners of excise may pay to the treasurer of the Saint James Mercy hospital, to be used only for the support of said hospital, the sum of one thousand dollars each year from the moneys received by them or either of them, for licenses to sell or deal in strong, spirituous or intoxicating liquors within said city. Such sum may be paid, however, only so long as the said Saint James Mercy hospital shall be maintained within the city of Hornellsville as a public hospital in which shall be received, treated, lodged, boarded and cared for at all times without charge to the patient or to the city of Hornellsville or to the overseer of the poor of said city, any resident of said city who shall present to the treasurer of said hospital a certificate signed by the overseer of the poor of said city, and the visiting physician of said hospital, stating that the person named therein is without means of support and is in need of medical and surgical treatment. The board of managers of said hospital shall report annually in writing to the common council of said city, the number of patients received upon such certificates, their names, age, sex, the nature of their disease or wounds, the length of time cared for, with the date of entrance and departure. All special laws relating to the disposition of excise moneys of the town of Hornellsville, shall apply to the disposition of the excise moneys of the city of Hornellsville, so long as the Hornell Library Association shall make, maintain and keep its library a full and free circulating library to the citizens of said city, subject to reasonable regulations and restrictions on the part of said association.

Laws applicable to board of excise.

Payment of excise moneys to St. James Mercy hospital.

Annual report of managers of hospital.

Special laws continued.

§ 2. Section nine of title three of chapter forty of the laws of eighteen hundred and eighty-eight, entitled "An act to incorporate the city of Hornellsville," is hereby amended so as to read as follows:

Common council, powers of.

§ 9. The common council shall exercise all the corporate powers conferred by this act, and, except as otherwise provided by law, shall have control and management of the property, real and personal, belonging to the corporation, and all finances thereof; and no debt or liability which may become a charge against said city or corporation shall be created or contracted except by authority of said common council; and in addition to such other powers as may be by law or this act conferred upon it, said common council shall have full power:

Control of property, etc.

Creating of debts and liabilities.

1. To provide for the care, custody and preservation of the property, books, records and papers belonging to the city; to prevent and provide for the punishment of any injury to or trespass upon the same; to make all necessary repairs and improvements thereon; and to cause the same to be insured when deemed by it necessary or advisable.

Care of property, records, etc.

Preservation of peace, &c.

2. To protect the inhabitants of said city in their persons and property, suppress disorderly assemblages, preserve peace and good order, and promote the welfare and good government of the corporation.

Defining duties of officers.

3. To prescribe and define such powers and duties of the officers of said city as are not inconsistent with or specified by this act, and which it shall deem the best interests of the city to require.

Punishment of vagrants, disorderly persons, &c.

4. To restrain and provide for the punishment of vagrants, mendicants, persons without visible means of support, keepers of houses of ill-fame, common prostitutes, lewd and disorderly persons, drunkenness and disorderly and immoral conduct in streets or other public places, and the selling or giving away, by persons not licensed, of any strong or spirituous liquors, wine, ale or beer.

Sale of liquors.

Street assemblages.

5. To prohibit the gathering or assembling of persons upon the streets of said city, or congregating upon the corners of the streets or sidewalks thereof, and to authorize and require the police officers of said city to disperse all such gatherings, assemblages or congregations. Upon refusal of persons so gathered, assembled or congregated to disperse when commanded so to do by a duly appointed police officer, he may make summary arrest, without process, of all persons so refusing, and take them forthwith before the recorder of said city, to be by him tried as disorderly persons, and punished as such, upon conviction; and all such offenders are hereby declared to be disorderly persons.

Arrests for refusal to disperse.

Fixing pay and performance of duties.

6. To fix and determine the compensation of officers of the city where the same is not provided for by law or this act; to see that they perform faithfully and correctly their several duties, and that proper measures are taken to punish neglect of duty on the part of any of them.

Audit of accounts and claims.

7. To audit all accounts and claims against the corporation, to order the payment of such as shall be allowed, and to make such rules and regulations in regard to the form and manner in which such accounts and claims shall be made and presented as it may deem necessary and proper; but, except as in this act otherwise provided, no such account or claim shall be audited or allowed unless verified by affidavit of the claimant to the effect that the same is just and true; that the services or moneys therein mentioned have been actually rendered or disbursed; that no payment has been made thereon; that no set-offs exist thereto, except such as are stated therein.

Verification thereof.

Calling special meetings.

8. To call special meetings of the inhabitants of said city whenever, in the judgment of its members, public interest requires the same, and to carry into effect all lawful resolutions adopted at any of said meetings or at the annual election.

Chamberlain's accounts, examination of.

9. To examine the accounts of the chamberlain from time to time and prescribe the manner of paying out and accounting for moneys received by him belonging to the city, in all cases not provided for by this act.

Licensing exhibitions.

10. To exercise exclusively within the city the powers vested in the justices of the peace of the towns by the second section of the first article of the eighth title of the twentieth chapter of the first part of the Revised Statutes, and subsequent amendments thereto and thereof, and to prescribe the sum to be paid for the permission or license therein mentioned.

Public pound.
Running

11. To establish and regulate a public pound, subject to the provisions of this act, and to restrain, regulate and prevent cattle, horses, sheep, swine, dogs, geese and other animals and fowls running at large

in said city, and to authorize the seizure, impounding and sale of the same for the penalty incurred by such running at large and the cost of keeping and proceedings; and to make regulations for taxing, muzzling and confining dogs, and for destroying such as may be found running at large contrary to any ordinance.

at large
of animals.
Dogs,
taxing, etc.

12. To prevent runners, hackmen, stage-drivers and others from soliciting persons to travel or ride in any stage, hack, omnibus or other conveyance, or upon any railroad, or to go to any hotel, or otherwise, except under such regulations as it may prescribe.

Hack
drivers,
runners,
etc.

13. To license, regulate and control all cartmen, hackmen, cabmen and draymen, and all stages, omnibuses and other conveyances for the transportation of passengers for hire within the city, and to fix their rates of fare or compensation.

Licensing
of carts,
hacks, etc.

14. To purchase ground and erect necessary public buildings thereon, and to purchase grounds for, lay out and maintain a public park or parks, and to maintain the parks of said city, provided the necessary funds for such purposes shall have been voted at an annual or special meeting of the taxpayers, as provided in this act, but not otherwise.

Public
buildings
and parks.

15. To prohibit gambling of all kinds, and to prohibit, regulate or license billiard rooms, bowling alleys, skating rinks, and all other places of amusement or entertainment from which an admission fee or other income, profit or revenue, direct or indirect, is received.

Gambling.
Licensing
places of
amuse-
ment.

16. To prevent and provide for the punishing the casting into any waters within said city any dead animal, offal, filth or any foul or offensive substance or thing, or earth, stones or rubbish of any kind; and to prevent and provide for the punishment of all bathing therein, except under such regulations as it may prescribe.

Polluting
of waters.

17. To prevent racing and immoderate driving, and to prevent or regulate coasting or bicycle riding in said city.

Bathing.
Racing,
etc.

18. To regulate the burial of the dead, and the management of all cemeteries within the city, subject to existing provisions of law.

Ceme-
teries.

19. To regulate or prohibit the exhibition of any circus, caravan, theater, opera, curiosities, tricks or legerdemain, and other shows and entertainments in said city; and to license the same for such time, upon payment of such fees, and under such regulations as it may prescribe.

Shows,
caravans,
etc.

20. To regulate, license or prohibit auction stores and sales in said city, and hawking, peddling and sales in the streets thereof, and to regulate and license pawnbrokers.

Auctions,
peddlers
and pawn-
brokers.

21. To make, or cause to be made, maps of the city and of the several wards thereof, to survey, establish and change the boundaries of said wards, and of the streets, highways and public grounds of said city; and to designate and alter the names of streets, avenues and alleys, and the numbers of all lots and buildings.

Maps and
surveys.

22. To prevent any encroachment, incumbrance or obstruction in or upon any street, alley, sidewalk, crosswalk, highway or public ground of said city; to regulate or prevent the deposit of building materials in or upon such streets, alleys, sidewalks, crosswalks, highways or public ground; and in case of neglect or refusal of any person who shall have caused such encroachment, incumbrance, obstruction or deposit, contrary to any rule or ordinance, or of the owner or occupant of any premises upon which shall be any building, fence or other structure or thing encroaching upon, incumbering or obstructing any such street, alley, sidewalk, crosswalk, highway or public ground, to remove the same after being notified so to do shall have power to cause

Street
names and
numbers.

Obstruc-
tions of
streets.

Removal
thereof.

such removal at the expense of such person, or of such owner or occupant, and to collect such expense as hereinafter provided.

Removal
of dirt,
snow, etc.

23. To compel the owner or occupant of any premises in said city to remove all dirt, snow and ice from the sidewalks and gutters in front of such premises, and in case of neglect or refusal of the owner or occupant to remove the same, to cause the same to be done at the expense of such owner or occupant, and to collect such expenses as hereinafter provided.

Ashes,
garbage,
etc.

24. To prevent and provide for the punishing the deposit of dirt, ashes, garbage or other filth in any street, alley or highway of said city.

Repair of
streets,
etc., by
corporations.

25. To require any turnpike, plank-road, street railroad, railroad or other corporation or company to keep each street, alley and highway through which its road may pass in said city, and the gutters, drains and culverts of said road in good condition and repair; to lay or relay such road or any portion thereof in accordance with the established grade of such street, alley or highway; and to remove without unnecessary delay all incumbrances and obstructions which said corporation or company shall have placed or caused to be placed upon such street, alley or highway. If such company or corporation shall refuse or neglect to do any of the acts required of it by this subdivision after being notified to do the same, the common council shall have power to cause the same to be done at the expense of such corporation or company, and such expense to be fixed and determined by said common council, may be collected as hereinafter provided. Nothing in this subdivision or in this act shall be construed to require any street railway company to repair or keep in condition any street, alley or highway through which its road may pass, except that part or portion thereof covered by its road, and a space two feet in width outside of and adjoining its track on either side. If it becomes necessary to remove snow and ice from any such street, alley or highway, said street railway company is to remove only the portion thrown out by it.

Removal
of obstructions
by same.

Proviso
as to street
railways.

Flagmen,
etc., at
railroad
crossings.

26. To require every railroad company or corporation running its trains through any part of said city to keep a flagman or gates or both, at each railroad crossing or point of intersection of such railroad with any street, alley or highway.

Laying of
pipes.

27. To regulate and superintend the laying of all gas, water, and other pipes in said city; to fix the grade at which such pipes shall be laid, and to compel the laying or relaying of the same in accordance with such established grade; to require any individual, corporation or company, after laying, relaying or repairing such pipes in any street, alley or highway in said city to put such street, alley or highway in good condition and repair, and to remove, without unnecessary delay all incumbrances or obstructions which such individuals, corporation or company may have placed or caused to be placed in such street, alley or highway; to require such individual, corporation or company to keep proper signal lights burning at night at all holes, ditches and places which shall have been rendered dangerous to persons traveling such streets, alleys or highways, and in case such individual, corporation or company shall neglect or refuse to do any of the acts required of him or it by this subdivision, after being notified to do the same, said common council shall have power to cause the same to be done at the expense of such individual, corporation or company, and to collect from him or it such expense as hereinafter provided.

Restoration
of streets.

Danger
signals.

Council
may cause
acts done.

Projec-

28. To prevent or regulate the construction or erection of any build-

ing, awning or other structure which shall project into or over any street or sidewalk in said city, and the hanging or suspending of any goods, signs or other thing in or over any such street or sidewalk, and the placing of boxes, barrels or other things in or upon any such street or sidewalk ; and in case the owner or occupant of such premises shall neglect or refuse to remove the same after being notified so to do, to remove the same at the expense of the owner or occupant, and to collect such expense as hereinafter provided.

awnings,
etc., on
streets.

Removal
of boxes,
barrels,
etc.

29. To erect and maintain gas, electric and other lights, lamp posts and fixtures on the streets of said city and cause the same to be lighted at all proper hours throughout the year, and in its discretion to charge the expense thereof as street expenses.

Street
lighting.

30. To prohibit, license or regulate the keeping, storing, use and sale of gun-powder, kerosene and other combustible or explosive substance or compound, and the conveyance and transportation of the same in or through any part of the city.

Gunpow-
der, kero-
sene, etc.

31. To designate such portion of said city as it may deem proper within which no building in whole or in part of wood or other combustible material shall be erected or removed ; to remove or provide for the removal thereof if so erected or removed ; to prevent or regulate the construction, erection or use in a manner dangerous with regard to fire, of any building, chimney, fire-place, heater, stove, stove-pipe, oven, repository of ashes or charcoal, boiler, furnace or other apparatus or thing ; to compel the owner or occupant of any premises upon which shall be found any thing so constructed, erected or used, to put the same in a safe condition or remove the same ; and in case the owner or occupant shall neglect or refuse to put in safe condition or remove the same after being notified to do so, the common council, shall have power to cause the same to be done at the expense of the owner or occupant, and to collect such expense as hereinafter provided ; and for the purpose aforesaid the common council shall have power to enter into and upon, or authorize the entry into or upon any building or premises in said city.

Fire
limits.

Precau-
tionary
measures
to prevent
fires.

32. To designate places in said city for the sale from wagons, sleighs and other vehicles, of wood, hay, straw, grain, and other articles ; and to prohibit such sales at places not so designated.

Sale of
wood, hay,
etc.

33. To regulate the use of lights in stables and other buildings in which combustible materials may be collected or deposited, and prescribe the use of lanterns and safety lamps in such stables or other buildings.

Use of
lights in
stables,
etc.

34. To prevent and abate nuisances and determine what are such, either upon view or testimony of witnesses, who may be examined under oath before it, and for these purposes to enter into or upon any building or premises in said city ; and in case the owner or occupant of any building or premises in or upon which said nuisance may be found shall neglect or refuse to abate or remove the same after notice so to do, to cause the same to be removed or abated at the expense of the owner or occupant and to collect such expense as hereinafter provided.

Nuisances,
prevention
and abate-
ment of.

35. To compel the owner or occupant of any grocery, market, cellar, soap factory, tannery, shop, privy, stable, barn, outhouse, pig-sty, sewer, cesspool or other unwholesome, offensive or nauseous house, building, ditch, pond or place, to cleanse, purify, remove or abate the same from time to time, as often as in the opinion of the common council it may be necessary for the comfort, health or convenience of the inhabitants of said city or any portion thereof.

Cleansing
of build-
ings,
stables,
sewers,
etc.

Slaughter-houses, etc.

36. To prohibit or regulate slaughter-houses and the slaughtering of animals in said city, and to regulate the time, place and manner of sale of fish, meats and vegetables.

Decayed carcasses, etc.

37. To prohibit all persons from bringing and depositing any unwholesome, putrid or decayed carcass, skins, hides, fish, meat or other unhealthful substance or thing within the city, and to require or authorize the removal or destruction thereof.

Private sewers, drains, etc.

38. To prescribe regulations as to the location and construction of public or private sewers, drains or water or gas-pipes in said city and for the prevention and punishment of any injury to or obstruction of any street or sidewalk thereby.

Board of health.

39. To appoint a board of health as prescribed by law.

Actions for fines and upon contracts.

40. To prosecute in the corporate name of the city upon any contract or liability in which said city may be interested, and for all fines, penalties, costs and expenses imposed by this act, or by any ordinance or by-law of the city and enforce the collection thereof.

Fire department and apparatus.

41. To organize and maintain a fire department in said city; purchase necessary apparatus and equipments for the efficient working of the same; pass all necessary ordinances for the government of such fire department; make a semi-annual inspection of the same; and purchase, erect and maintain a convenient and effectual system of fire-alarms.

Road and fire districts.

42. To divide said city into such road, fire or other districts as it may deem necessary or advisable and to fix and define the boundaries of the same.

Razing of buildings at fires.

43. To authorize any building to be razed in case of an extensive fire or conflagration in said city, if deemed by it necessary in order to prevent the spread of such fire or conflagration.

Dangerous games in streets.

44. To prohibit and make regulations for the punishment of every game, practice, amusement and act in the public streets and elsewhere in said city, having a tendency to frighten teams or horses, to injure or annoy persons or to injure or endanger property.

Speed of cars, etc., and obstruction of crosswalks.

45. To regulate the speed of locomotives, tenders, railroad and other cars, and to prevent unnecessary obstruction of streets by the same in any part of said city; and to prevent obstruction of crosswalks by carts, wagons, sleighs, teams or otherwise.

Wires and poles.

46. To prevent or regulate the stringing and setting of telephone and telegraph or other wires or poles in said city.

Trees.

47. To direct and regulate the planting of shade and ornamental trees along the streets and sidewalks of said city and to prevent the injuring or defacement of such trees, and of fences, walls, posts and buildings in said city.

Defacement of property. Building regulations.

48. To regulate the thickness and manner of construction of brick, stone or wooden walls for buildings; to prohibit the erection in an unsafe manner of any wall or building in said city, and to compel the owner or occupant of any wall or building therein which may be in an unsafe condition to render the same safe or to remove the same; to prohibit the erection of sheds and fences in such manner as unnecessarily to vex or annoy the adjoining proprietors and to require the removal of any such so erected and to prohibit barns, stables or sheds from being built within twenty feet from the public street, and to require the removal of any such that may hereafter be erected and in case of neglect or refusal of such owner or occupant to render such wall or building, fence or structure safe, or to remove the same, after being notified to do so, the common council shall have power to cause

Unsafe buildings, etc.

Removal thereof.

the same to be done at the expense of each owner and occupant and to collect such expense as hereinafter provided.

49. To prescribe the length of notice to be given under any of the foregoing subdivisions of this section and to make the cost and expense mentioned in subdivisions twenty-two, twenty-three, twenty-five, twenty-seven, twenty-eight, thirty-one, thirty-four and forty-eight, of this section a lien upon the premises or lots therein mentioned or implied by assessing the same thereon, and to issue warrants against the owners or occupants thereof, respectively, to collect such costs and expenses as assessments and taxes are collected.

Notices under charter.

Costs and expenses.

50. To provide a council room or rooms for the common council, a court room for the recorder, offices for the clerk and chamberlain, rooms for other officers and for the several fire companies of the said city, and necessary fuel, lights, stationery and supplies for their offices.

Rooms for council and officers.

51. To prevent or regulate the ringing of bells, blowing of whistles and horns, crying of wares and the making of any noise which may tend to disturb the peace of the city.

Ringling of bells, etc.

52. To prevent or regulate the sale and use of fire-crackers, rockets, squibs and other explosive compounds.

Fireworks.

53. To prevent and provide for punishing the discharge of fire-arms, rockets, fire-works and gunpowder in or near the streets of the city, or in the vicinity of any building.

Discharge of fire-arms, etc.

54. To compel the owners or occupants of private buildings to have scuttles in the roofs thereof and stairs or ladders leading to them, and to compel the owners, occupants or trustees of all public buildings, such as churches, school-houses, hotels, factories and all places of amusement or entertainment, to provide the same with complete, sufficient, approved and effectual fire-escapes and means of exit.

Roof scuttles.

Fire escapes.

55. To direct the construction and repair of railings at exposed or dangerous places in, along or upon the streets, alleys, highways, bridges, excavations or gutters in said city.

Street railways.

56. To appoint or employ an attorney or attorneys and counsel for the transaction of any business of the city requiring legal skill.

Attorneys.

57. To provide for defraying the expenses of all elections held in said city; to create new election districts when necessary, and appoint the first inspectors therein; and such districts and inspectors shall be governed by the provisions of this act.

Election expenses and districts.

58. To grant all licenses in said city, except such as are required by law or this act to be granted by the board of excise, and to prescribe the fees to be paid for the same. The common council may by resolution empower the mayor of said city to grant all or any licenses which said council are by this act authorized to grant.

Granting of licenses.

59. To designate a newspaper printed in said city, to be known as the official paper, in which shall be published all its ordinances, rules, regulations, resolutions, by-laws and official notices.

Official newspaper.

60. To regulate or prohibit the construction of any step, stoop, platform, bay-window, cellar door, area, stairs, descent or ascent into any building, any sign-post, awning, erection or projection from any building or otherwise, in, over or upon any street or sidewalk, or the moving of any house or building through the streets of said city.

Construction of stoops and projections on sidewalks.

61. To prohibit the abuse of animals and the leading of the same without an attendant in the streets, and to take and care for any that may be so abused, or left unattended, and to collect the expenses of so doing from the owner thereof, and to compel the fastening of

Abuse and care of animals.

horses, mules or oxen when left standing upon the public streets without an attendant.

Street boundaries excavations, laying of pipes, etc.

62. To ascertain and settle and establish the boundaries of all streets, alleys and highways; to regulate their use, and the opening of street surfaces, and the laying of gas and water pipes and mains, and sewer connections; the erection of telegraph, telephone, electric light or power poles, and the erection of gas and other lamp-posts, or devices for lighting the streets.

Ordinances, etc., powers as to.

63. For any or either of the purposes aforesaid, or of executing any power conferred upon the common council or upon the city by this act or otherwise, the said common council shall have full power to make, establish, publish, modify, amend or repeal ordinances, rules, regulations, by-laws and resolutions, and fix the time of their taking effect and to prescribe and enforce such penalties and fines as it may deem proper for their violation; but every such ordinance, rule, regulation, resolution and by-law, except such as relate to the health, safety or fire protection of the people of said city or of some portion thereof, shall, before taking effect, be published at least once in the official paper.

Publication and record thereof.

How read in evidence.

Every such ordinance, rule, regulation, resolution and by-law, together with his certificate of the time and manner of the publication thereof, shall be recorded by the clerk in a book or books to be provided by the city and kept for that purpose; and the said record or a copy thereof, certified under the corporate seal of the city by the clerk, to be a true copy of such record, shall be presumptive* evidence in all courts and places, and in all actions and proceedings, of the due passage of such ordinance, rule, regulation, by-law or resolution, and of its having been duly published as required by this act. The common council, in order to enforce observance of the ordinances which it is authorized to pass, is hereby empowered to provide therein that penalties, fines and imprisonments in the Steuben county jail, or either one or more of such punishments in the discretion of the court, may be imposed for the violation of such ordinances; but no penalty or fine, except as herein otherwise provided, shall exceed one hundred dollars, nor the length of such imprisonment exceed one hundred days. The violation of any such ordinance is hereby declared a misdemeanor, and may be punished as such when the mode of punishment shall not be prescribed in such ordinance. Violations of all ordinances and resolutions, rules and by-laws, may also be restrained by an injunction order of any court having jurisdiction, and the said city of Hornellsville may, in its corporate name, bring actions for such injunctions, and no undertaking upon the granting thereof shall be required of the city. It shall be lawful for the mayor, alderman, supervisor, street superintendent, or any police commissioner, and it shall be the duty of the chief of police, and all policemen of the city, to arrest, with or without process, and to take before the recorder any person whom they or any of them shall find violating any ordinance of the city.

Fines and penalties for violations.

Injunctions restraining violations.

Arrests without process.

§ 3. Section ten of title three of said act is hereby amended so as to read as follows:

Stoppage of trains, etc., on street crossings.

§ 10. It shall be unlawful for any railroad company or corporation, or person or persons, running or operating, or having charge of any engine or engines, car or cars, train or trains, to stop, or permit, or allow to be stopped or left standing upon any railroad crossing or point of intersection of any railroad with any street, alley or highway in said city, any train, engine, car or cars, for a longer time than five

* So in the original.

minutes, and for each violation hereof, such company or corporation, person or persons, shall be liable to a penalty of ten dollars to be recovered of said company or corporation, person or persons, by and in the name of said city, and any violation of any of the provisions of this section shall be deemed and is hereby declared a misdemeanor, punishable by a fine not exceeding one hundred dollars or by imprisonment not exceeding thirty days or both. Penalty.

§ 4. Subdivision two of section one of title five of said act is hereby amended so as to read as follows:

2. The common council shall also have power to raise by tax in each year such sum as may be necessary, not to exceed ten thousand dollars, which shall be known as a street fund; and so much thereof as may be necessary shall be expended for street purposes exclusively. Annual tax for street fund.

§ 5. Subdivision ten of section one of title five of said act is hereby amended so as to read as follows:

§* 10. The assessors of said city shall ascertain, in the manner provided by law for the performance of like duties by town assessors, the names of all taxable inhabitants of said city, and also all taxable, real and personal property therein. Where lands or premises are situated partly within the corporate limits of said city and partly in the adjacent town, that portion of the same which lies within the corporate limits of said city shall be assessed and taxed therein. The common council shall cause to be prepared duplicate assessment-rolls, in separate columns of each of which the assessors shall set down according to the best information they can obtain, all such names, the quantity of land to be taxed to each person, the full value of such land, and the full value of all taxable personal property owned by such person, less the just debts owing by him. Said assessors shall also designate on such assessment-rolls as "farm lands," all lands occupied as such, and all agricultural lands, properly so called, situated in whole or in part within said city, and keep the same in a separate column of each of said assessment-rolls. Such assessment-rolls shall be completed on or before the first day of June in each year, except that after the first election under this act, the common council shall have power to fix such additional time for their completion as may be necessary; and but one assessment need be made in each year. Except as modified by this act, the laws of this state shall govern the making of all such assessments and assessment-rolls. Assessors, their duties.

Assessment-rolls.

§ 6. Section one of title six of said act is hereby amended so as to read as follows:

§ 1. The recorder shall be elected by the electors of said city, as prescribed by section one of title two of this act, and shall hold his office for two years, and until another is elected and qualified as herein provided, and shall be of the degree of counsellor-at-law. Before entering upon the duties of his office he shall take and subscribe the usual oath of office, and file the same in the clerk's office of Steuben county, at which office his election shall be certified by the mayor and clerk of said city. He shall, at the same time, execute an instrument in writing, with two sureties, who shall be freeholders of the county of Steuben, to be approved by the mayor of said city, conditioned in the sum of three thousand dollars, that he will pay over all moneys received by him by virtue of his office, as directed by law. Such instrument to be delivered to the mayor of said city, who shall immediately thereupon cause such instrument to be filed with the clerk. He shall, except in cases of his absence from the city or inability from sickness or other Recorder, election and term of.

Oath of office and official bond.

Powers and jurisdiction.

* So in the original.

cause to act, have jurisdiction exclusive of any justice of the peace or other officer of said city, except the judges of courts of record, to issue all criminal processes, and all processes other than in civil actions or special proceedings, which a single justice or two justices of the peace in towns are empowered or directed by law to issue; to hear all complaints and conduct all examinations in criminal cases; to hold courts of special sessions with all the power and jurisdiction of such courts as regulated by law and the provisions of this act; and the additional power and jurisdiction is hereby conferred on said recorder, exclusive of any justice of the peace or court of special sessions or other court of this state, in the first instance to hear, try and determine all charges for misdemeanors, and also to hear, try and determine all charges for being disorderly persons under this act charged to have been committed within the territorial limit of his jurisdiction, and to impose the punishment authorized by the statutes for such offenses, subject to the power of removal, provided in sections fifty-seven and fifty-eight of the Code of Criminal Procedure. And whenever a defendant tried before a court of special sessions held by said recorder, shall be convicted, said court shall render judgment upon such conviction and shall inflict such punishment by a fine or imprisonment or both, as any other court having jurisdiction of the offense could inflict, and shall have the same jurisdiction to sentence and punish the persons so convicted, as courts of sessions or courts of oyer and terminer have for the same offense. Also to try and sentence all persons who may be found guilty of any offenses which are triable by said recorder's court, and to commit for trial all persons who shall be guilty of felonies not triable in said court; said recorder shall have power to let to bail persons charged before him, or by indictment with felony, where the imprisonment in the state prison on conviction, cannot exceed ten years. The recorder shall also have the same rights, power and authority, within said city, to administer oaths and take affidavits and acknowledgments that justices of the peace now have. The said recorder shall have the same jurisdiction, powers and authority as justices of the peace in civil actions brought by the city of Hornellsville for the recovery of fines and penalties for violation of city ordinances and civil actions brought by the board of health for the violation of their rules and regulations. And said recorder shall have the same jurisdiction and authority as a justice of the peace in bastardy proceedings under the laws of this state. And said recorder and one justice of the peace of said city, together acting in such bastardy proceedings, shall have the same powers as two justices of the peace would have therein. And said recorder shall have all other powers conferred by law upon recorders of cities. All processes or mandates issued by the recorder or acting recorder of said city which may be served and the defendant therein named be arrested by virtue thereof, without the county of Steuben, may be served and the defendant therein named be arrested by virtue thereof without the indorsement of said mandate or warrant by any other magistrate.

§ 7. Section three of title six of said act is hereby amended so as to read as follows :

§ 3. All persons who shall be intoxicated in said city under such circumstances as to amount to a violation of public decency ; all idle persons who, not having visible means of maintaining themselves, live without employment ; all persons wandering about or begging, or who go about from door to door or place themselves in the streets, highways, passages or public places without the written permission of the mayor of

Adminis-
tering of
oaths, etc.

Jurisdic-
tion for
recovery
of fines,
etc.

Bastardy
proceed-
ings.

Process
issued by
service,
etc., of.

Disorderly
persons,
defined.

the city, begging or receiving alms; all persons who have no visible occupation, profession or business to maintain themselves by, but who do for the most part support themselves by gaming or crime or by the avails of prostitution; all common prostitutes; all persons found quarreling within said city in any public park, street, lane or alley, or in any public place; all persons found within said city making indecent gestures or exhibitions of himself or herself in public view, or shall in any public place aforesaid, publicly use indecent, foul or profane words, or opprobrious or insulting or provoking language, or any outcry tending to breach of the peace, or utter threats of unlawful violence, or shall make an unusual noise; or disturbance of the public peace and quiet, or shall recklessly or without necessity discharge fire-arms in the day or night time, or knowingly give a false alarm of fire, or shall alone or with others use the public walks of said city to pass or repass, lounge and loiter about or linger in premises or buildings, public or private, not owned or occupied by such person, or without any right in or about the approaches, passages, entrance, hall or stairway of any building for public assemblages or public resort to the annoyance or impediment of persons lawfully passing and repassing, or of proprietors or owners, and shall refuse, after direction of any officer or citizen, to disperse from said place or places; or shall disturb or interrupt any public meeting, school, concert, theater or exhibition, or any assemblage, without lawful authority, or shall be found in the night-time lurking suspiciously around any place in said city, and shall refuse on demand of any policeman or watchman to give an account of himself or herself, or shall, being a minor under the age of twenty-one years, be found carrying in any public place any loaded pistol, revolver or any other fire-arm concealed, or shall, being a truant child under the age of fourteen years, be found wandering about late at night or alone, or in company with like persons; or who shall maliciously open or enter any barn, stable or inclosure and take away therefrom, or from any other place in said city, any horse, team, harness, carriage or vehicle of another under circumstances not making said offense larceny or a felony; or shall, being a licensed hackman, cartman or driver of any omnibus or porter of said city, knowingly violate any lawful regulation of the common council relating to such persons or vehicles; or shall be found engaged in any public place aforesaid throwing stones or other missiles and endangering persons or property; or shall wrongfully, wantonly and maliciously injure any street, gas or electric lamp, lamp-post, post, wire, gas pipe or main, or any city water pipe, hydrant, hose or other works or apparatus in the extinguishment of fires, including the electric light, fire alarm apparatus, wire, boxes, posts and all appurtenances thereto, and any steam main or other steam works or apparatus in any street or public place in said city for the transmission of heat and power; or any street or corner signs put up by the authority of the common council; or shall be found naked or with person improperly exposed; or bathing in any of the public basins, streams, races, ponds or waters in said city, in any public place, between the hours of four in the morning and nine o'clock in the evening; all persons who shall sell strong or spirituous liquors and wines without a license in said city; all persons who shall neglect or refuse to report cases of a contagious or pestilential disease, in pursuance of the regulations of the board of health; all persons who shall be guilty of immoderate driving or racing horses in the public streets of said city; all persons who shall have incited or induced dogs to fight in any street or public place in said city, or who shall knowingly per-

Proceed-
ings
against
disorder
persons.

mit any ferocious or vicious dog to be at large in any such street or public place; all persons who shall willfully and unlawfully break, mar, injure or deface any building, fences, awning, sign, signboard, tree, shrubbery or other thing, or any of the public property of said city; all persons who shall remove from or pile up before any door or any sidewalk or street, boxes, casks or other things for the purpose of annoyance or mischief, or who shall willfully and unlawfully tear down, destroy or mutilate any notice or hand bill lawfully posted up in said city; all persons who knowingly throw or drop or cause to be thrown or dropped any hand bill, dodger or advertising medium in any street, lane, park or public place of said city; all persons who shall willfully and unlawfully rub or throw any liquid, ink or other substance, or any paint, missile or anything upon or against any building or fence, or through any window in said city; all persons who, at the time of any fire in said city, shall be guilty of any disorderly conduct, or who shall attempt to obstruct the operations of the fire department, or to excite insubordination in others, or shall willfully neglect or refuse to obey the orders of the proper officers, shall be deemed and are hereby declared to be disorderly persons, and may be proceeded against and punished accordingly. All persons described in subdivisions three, four, five, six, seven and eight of section eight hundred and ninety-nine of the Code of Criminal Procedure, shall be deemed and are hereby declared to be disorderly persons and may be proceeded against and punished accordingly. And any person charged with any offense specified in this section, which is by the existing law a crime or misdemeanor, may be proceeded against under the present or existing provisions of law, or under the provisions of this act.

CHAP. 381.

AN ACT to amend section eight hundred and thirty-six of the Code of Civil Procedure relating to evidence.

APPROVED by the Governor May 22, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Compe-
tency of
witnesses.
Applica-
tion of
sections.

Physicians,
may dis-
close cer-
tain pro-
fessional
informa-
tion.

SECTION 1. Section eight hundred and thirty-six of the Code of Civil Procedure is hereby amended so as to read as follows:

§ 336. The last three sections apply to any examination of a person as a witness unless the provisions thereof are expressly waived upon the trial or examination by the person confessing the patient or the client. But a physician or surgeon may upon a trial or examination disclose any information as to the mental or physical condition of a patient who is deceased which he acquired in attending such patient professionally, except confidential communications and such facts as would tend to disgrace the memory of the patient, when the provisions of section eight hundred and thirty-four have been expressly waived on such trial or examination by the personal representatives of the deceased patient or if the validity of the last will and testament of such deceased patient is in question, by the executor or executors named in said will.

§ 2. This act shall take effect September first, eighteen hundred and ninety-one.

CHAP. 382.

AN ACT to amend chapter one hundred and thirty-three of the laws of eighteen hundred and forty-seven, entitled "An act authorizing the incorporation of rural cemetery associations," and the acts amendatory thereof.

APPROVED by the Governor May 22, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section four of chapter one hundred and thirty-three of the laws of eighteen hundred and forty-seven is hereby amended so as to read as follows :

§ 4. Any association incorporated under this act may take by purchase or devise, and hold, within the county in which the certificate of its incorporation is recorded, not exceeding two hundred acres of land, or such further quantity as the legislature has prescribed or may prescribe, to be held and occupied exclusively for a cemetery for the burial of the dead. Such lands or such parts thereof as may from time to time be required for that purpose shall be surveyed and subdivided into lots or plats of such size as the trustees may direct, with such avenues, paths, alleys, walks and ornamental plats as the trustees may deem proper, and a map or maps of such surveys shall be filed and kept in the office of the association open to the inspection of all persons. The trustees must fix and determine the prices of the burial lots or plats and the conditions and restrictions imposed upon the use of such lots or plats, and keep a copy of the schedule of such prices and of such conditions and restrictions plainly printed and publicly posted in the principal office of the association, open at all reasonable times to the inspection of all persons, and the trustees shall sell and convey the lots or plats designated on such maps upon payment of the prices so fixed and determined, subject to such conditions and restrictions as have been imposed upon the use of such lots or plats at that time adopted and thereafter to be adopted by the trustees of such association; provided, however, that the trustees shall not be required to sell and convey more than one lot or plat to any one person. But any city or town in which the lands of such association are situated and any incorporated village located wholly or in part in such town may purchase such reasonable number of lots or plats in such proper portion of the lands of such association for the interment of strangers and other persons who may die in such town or village under such circumstances that it would be unreasonable to require payment for the privilege of making such interment; and such city, town or village or the county in which such lands are situated may also purchase such other lots or plats as may be proper for the suitable burial of such soldiers as shall be buried at public expense. The conveyances shall be executed under the common seal of the association and signed by the president or vice-president and treasurer of the association. Any association incorporated under this act may hold personal property to an amount not exceeding five thousand dollars, or such further amount as the legislature has prescribed or may prescribe, besides what may arise from the sale of lots or plats.

Lands for cemeteries.

Survey and subdivision thereof.

Maps.

Lots, prices and conditions of use of.

Conveyances.

Lots for burial of strangers, soldiers, etc., cities and towns may purchase.

Personal property.

§ 2. Said chapter one hundred and thirty-three of the laws of eighteen hundred and forty-seven, entitled "An act authorizing the in-

corporation of rural cemetery associations," is hereby amended by adding thereto and making a part thereof as sections twelve and thirteen the following additional sections:

Lots and
plats, set-
ting apart
of.

Acquisi-
tion of
additional
lands.

Record of
inter-
ments.

Sections,
numbers
of,
changed.

§ 12. It shall be the duty of every rural cemetery association incorporated pursuant to this act to provide suitable lots and plats for the burial of the dead without interference with the portions of its grounds set apart for ornamental purposes, and from time to time acquire additional land for burial purposes, including such land as shall be proper for ornamenting the same, whenever such land shall be needed and the financial condition of the association shall warrant the expenditure required therefor.

§ 13. An accurate record of every interment in every cemetery belonging to such rural cemetery association shall be made by the trustees or other proper officers having control of the same, showing the date of the interment and the name, age and place of birth of the person buried, when these particulars can be conveniently ascertained; and such record shall be so kept as to show the lot and part of the lot in which such interment shall have been made, and a copy of such record duly certified by the secretary of such association shall be furnished on demand and payment of such fees therefor as are allowed to county clerks for certified copies of records.

§ 3. Said chapter is hereby further amended so that hereafter section twelve of said act shall be known as section fourteen, and section thirteen of said act shall be known as section fifteen.

§ 4. This act shall take effect immediately.

CHAP. 383.

AN ACT in relation to the term of office of the board of electrical control in and for the city of New York.

APPROVED by the Governor May 22, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Term of
office ex-
tended.

SECTION 1. The term of office of the board of electrical control in and for the city of New York, created by chapter seven hundred and sixteen of the laws of eighteen hundred and eighty-seven, as the said board is now constituted, is hereby extended for the period of one year from the first day of November, one thousand eight hundred and ninety-one.

Rights,
powers,
etc., con-
tinued.

§ 2. During such extended term all the rights, powers and duties vested or existing in the said board of electrical control shall continue from and after the first day of November, one thousand eight hundred and ninety-one and all such rights, powers and duties shall vest in and shall thereafter be held and exercised by the commissioners of the sinking fund in the city of New York.

Repeal.

§ 3. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 4. This act shall take effect immediately.

CHAP. 384.

AN ACT declaring Deer river in the county of Lewis a public highway for the passage of merchantable products of the forest.

APPROVED by the Governor May 22, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Deer river in Lewis county from its mouth to lot number one hundred and fourteen in the town of Montague on the east branch and lot number one hundred and ten in said town on the west branch, is hereby declared a public highway for the passage of any merchantable product of the forest, subject to the provisions of chapter five hundred and thirty-three of the laws of eighteen hundred and eighty

§ 2. This act shall take effect immediately.

CHAP. 385.

AN ACT to amend section eleven of chapter five hundred and thirty-three of the laws of eighteen hundred and eighty, entitled "An act to regulate the passage of lumber, logs and other timber upon the rivers of this state recognized by law or common use as public highways for the purpose of floating or running lumber, logs and other timber over or upon the same to market or places of manufacture."

APPROVED by the Governor May 22, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eleven of chapter five hundred and fifty-three of the laws of eighteen hundred and eighty, entitled "An act to regulate the passage of lumber, logs and other timber upon the rivers of this state, recognized by law or common use as public highways, for the purpose of floating and running lumber, logs and other timber over or upon the same to market or places of manufacture," as amended by chapters sixteen and seventy-four of the laws of eighteen hundred and eighty-one, is hereby further amended so as to read as follows:

§ 11. This act shall not apply to the Hudson river, the Alleghany river and its tributaries, nor the Delaware river and its tributaries, nor the waters located in Franklin county, nor the Moose river and its tributaries, nor the Beaver river and its tributaries, nor the Oswegatchie river and its tributaries, nor the Grass river and its tributaries, nor the Raquette river and its tributaries, nor the West Canada creek and its tributaries, nor the Black river and its tributaries above its junction with the Moose river, nor the waters located in Lewis county, used for floating or driving logs or lumber; nor be construed to repeal any existing special law now applicable to any creek or river in this state.

Exemption of certain rivers and creeks.

Construction as to repeal of laws.

§ 2. This act shall take effect immediately.

horses, mules or oxen when left standing upon the public streets without an attendant.

Street boundaries, excavations, laying of pipes, etc.

62. To ascertain and settle and establish the boundaries of all streets, alleys and highways; to regulate their use, and the opening of street surfaces, and the laying of gas and water pipes and mains, and sewer connections; the erection of telegraph, telephone, electric light or power poles, and the erection of gas and other lamp-posts, or devices for lighting the streets.

Ordinances, etc., powers as to.

63. For any or either of the purposes aforesaid, or of executing any power conferred upon the common council or upon the city by this act or otherwise, the said common council shall have full power to make, establish, publish, modify, amend or repeal ordinances, rules, regulations, by-laws and resolutions, and fix the time of their taking effect and to prescribe and enforce such penalties and fines as it may deem proper for their violation; but every such ordinance, rule, regulation, resolution and by-law, except such as relate to the health, safety or fire protection of the people of said city or of some portion thereof, shall, before taking effect, be published at least once in the official paper. Every such ordinance, rule, regulation, resolution and by-law, together with his certificate of the time and manner of the publication thereof, shall be recorded by the clerk in a book or books to be provided by the city and kept for that purpose; and the said record or a copy thereof, certified under the corporate seal of the city by the clerk, to be a true copy of such record, shall be presumptive* evidence in all courts and places, and in all actions and proceedings, of the due passage of such ordinance, rule, regulation, by-law or resolution, and of its having been duly published as required by this act. The common council, in order to enforce observance of the ordinances which it is authorized to pass, is hereby empowered to provide therein that penalties, fines and imprisonments in the Steuben county jail, or either one or more of such punishments in the discretion of the court, may be imposed for the violation of such ordinances; but no penalty or fine, except as herein otherwise provided, shall exceed one hundred dollars, nor the length of such imprisonment exceed one hundred days. The violation of any such ordinance is hereby declared a misdemeanor, and may be punished as such when the mode of punishment shall not be prescribed in such ordinance. Violations of all ordinances and resolutions, rules and by-laws, may also be restrained by an injunction order of any court having jurisdiction, and the said city of Hornellsville may, in its corporate name, bring actions for such injunctions, and no undertaking upon the granting thereof shall be required of the city. It shall be lawful for the mayor, alderman, supervisor, street superintendent, or any police commissioner, and it shall be the duty of the chief of police, and all policemen of the city, to arrest, with or without process, and to take before the recorder any person whom they or any of them shall find violating any ordinance of the city.

Publication and record thereof.

How read in evidence.

Fines and penalties for violations.

Injunctions restraining violations.

Arrests without process.

§ 3. Section ten of title three of said act is hereby amended so as to read as follows:

Stoppage of trains, etc., on street crossings.

§ 10. It shall be unlawful for any railroad company or corporation, or person or persons, running or operating, or having charge of any engine or engines, car or cars, train or trains, to stop, or permit, or allow to be stopped or left standing upon any railroad crossing or point of intersection of any railroad with any street, alley or highway in said city, any train, engine, car or cars, for a longer time than five

* So in the original.

minutes, and for each violation hereof, such company or corporation, person or persons, shall be liable to a penalty of ten dollars to be recovered of said company or corporation, person or persons, by and in the name of said city, and any violation of any of the provisions of this section shall be deemed and is hereby declared a misdemeanor, punishable by a fine not exceeding one hundred dollars or by imprisonment not exceeding thirty days or both. Penalty.

§ 4. Subdivision two of section one of title five of said act is hereby amended so as to read as follows:

2. The common council shall also have power to raise by tax in each year such sum as may be necessary, not to exceed ten thousand dollars, which shall be known as a street fund; and so much thereof as may be necessary shall be expended for street purposes exclusively. Annual tax for street fund.

§ 5. Subdivision ten of section one of title five of said act is hereby amended so as to read as follows:

§* 10. The assessors of said city shall ascertain, in the manner provided by law for the performance of like duties by town assessors, the names of all taxable inhabitants of said city, and also all taxable, real and personal property therein. Where lands or premises are situated partly within the corporate limits of said city and partly in the adjacent town, that portion of the same which lies within the corporate limits of said city shall be assessed and taxed therein. The common council shall cause to be prepared duplicate assessment-rolls, in separate columns of each of which the assessors shall set down according to the best information they can obtain, all such names, the quantity of land to be taxed to each person, the full value of such land, and the full value of all taxable personal property owned by such person, less the just debts owing by him. Said assessors shall also designate on such assessment-rolls as "farm lands," all lands occupied as such, and all agricultural lands, properly so called, situated in whole or in part within said city, and keep the same in a separate column of each of said assessment-rolls. Such assessment-rolls shall be completed on or before the first day of June in each year, except that after the first election under this act, the common council shall have power to fix such additional time for their completion as may be necessary; and but one assessment need be made in each year. Except as modified by this act, the laws of this state shall govern the making of all such assessments and assessment-rolls. Assessors, their duties.

Assessment-rolls.

State tax laws applicable.

§ 6. Section one of title six of said act is hereby amended so as to read as follows:

§ 1. The recorder shall be elected by the electors of said city, as prescribed by section one of title two of this act, and shall hold his office for two years, and until another is elected and qualified as herein provided, and shall be of the degree of counsellor-at-law. Before entering upon the duties of his office he shall take and subscribe the usual oath of office, and file the same in the clerk's office of Steuben county, at which office his election shall be certified by the mayor and clerk of said city. He shall, at the same time, execute an instrument in writing, with two sureties, who shall be freeholders of the county of Steuben, to be approved by the mayor of said city, conditioned in the sum of three thousand dollars, that he will pay over all moneys received by him by virtue of his office, as directed by law. Such instrument to be delivered to the mayor of said city, who shall immediately thereupon cause such instrument to be filed with the clerk. He shall, except in cases of his absence from the city or inability from sickness or other Recorder, election and term of.

Oath of office and official bond.

Powers and jurisdiction.

Annual
appropriation
for
foundling
asylum
and babies'
hospital.

9. To the foundling asylum of the sisters of charity and to the babies' hospital of the city of New York, respectively, at the rate of thirty-eight cents per day for each and every foundling or infant received and maintained by them. And also for each and every homeless and needy mother with a nursing infant, who shall reside at the asylum, or at said hospital by request of its officers and nurse her own infant, the sum of eighteen dollars per month.

Provision
for
payment.

§ 2. The board of estimate and apportionment of the city of New York are hereby authorized to make immediate provisions for the payments hereby authorized.

§ 3. This act shall take effect immediately.

CHAP. 389.

AN ACT to provide ways and means for the support of the government.

APPROVED by the Governor May 22, 1891. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

State tax
levy au-
thorized.

SECTION 1. There shall be imposed for the fiscal year beginning on the first day of October, eighteen hundred and ninety-one, on each dollar of real and personal property of this state, subject to taxation, taxes for the purposes hereinafter mentioned, which taxes shall be assessed, levied and collected by the annual assessment and collection of taxes of that year, in the manner prescribed by law, and shall be paid by the several county treasurers into the treasury of this state, to be held by the treasurer to be applied to the purposes specified, that is to say:

For canal
fund.

For the canal fund, for the payment of the appropriations for those objects and work on the canals of this state, which are not included in the appropriation for the maintenance thereof during said fiscal year, three one hundredths of a mill. For the free school fund, or the payment of those claims and demands which shall constitute a lawful charge upon that fund during said fiscal year, one mill

For free
school
fund.

§ 2. This act shall take effect immediately.

NEW TOWNS ERECTED,
OR
TOWN BOUNDARIES ALTERED AND ESTABLISHED
BY BOARDS OF SUPERVISORS.

Resolution No. 86, of the Board of Supervisors, establishing boundary line between the towns of Islip and Babylon :

AN ACT to fix locate and define the southern portion of the boundary line separating the towns of Islip and Babylon, in the county of Suffolk.

The authority to pass this resolution is found in chapter 361, Laws of 1870.

The Board of Supervisors of the county of Suffolk, at a meeting thereof lawfully assembled on the 16th day of September, 1890, at least two-thirds of all the members elected being present and voting therefor, do enact as follows :

SECTION 1. Whereas, the southern portion of the boundary line, separating the towns of Islip and Babylon, has never been definitely fixed or established by metes and bounds, and an application having been duly made in accordance with the statute, to have said boundary line defined.

Section 2. Therefore, Resolved, that the southern portion of the said boundary line, between the said towns of Islip and Babylon, commencing at the mouth of Sumpwams creek, or river, shall be and hereby is fixed, located and defined as follows, to wit :

Beginning at a point in the middle of Sumpwam's creek, at the mouth of said creek, said point being distant eleven hundred and eighty-six (1,186) feet on a course bearing north 52 degrees 28 minutes and 58 seconds east, from a stone monument, placed by the United States Coast Survey on Sumpwams Neck, which bears north 55 degrees 41 minutes 22 seconds west 11,177 yards from Fire Island Lighthouse, and from said point of beginning, running southeasterly across the Great South Bay, in a direct line to the middle of the mouth of Broad creek, on Cap Tree Island ; and thence running southerly, along the middle of said Broad creek, until it passes two small creeks running out of said Broad creek to the eastward, and to a monument standing in the bank on the east side of said Broad creek, said monument being the north end of the line dividing the meadow lands of the respective towns of Islip and Babylon, and

thence from said monument, running due south about fifty-eight hundred feet to the Atlantic ocean.

Section 3. This act shall take effect immediately.

JAMES L. MILLARD,
Clerk.

S. B. NICOLL,
Chairman.

SUFFOLK COUNTY, }
Office of the Board of Supervisors. } ss.:

I have compared the preceding with the original resolution recorded in this office, and do hereby certify that the same is a correct transcript therefrom, and of the whole of said original.

[L. s.] Witness my hand and the official seal of the board of supervisors of Suffolk county, this 8th day of October, 1890.

JAMES L. MILLARD,
Clerk.

(Endorsed.) Filed Oct. 9, 1890.

FRANK RICE,
Secretary of State.

ACT NUMBER 5.

AN ACT to divide the town of South Valley in the county of Cattaraugus and to erect therefrom two separate and distinct towns.

PASSED NOV. 26, 1890.

The Board of Supervisors of the county of Cattaraugus, in pursuance of the statutes in such case made and provided, do enact as follows:

SECTION 1. All that part of the present town of South Valley in the county of Cattaraugus, described and bounded as follows, viz.: Beginning at the south-west corner of lot number 20, town 1, range 8, of the Holland Land Company's survey, running thence north along the west bounds of said lot and lot number 21 to the southerly bounds of the Allegany Indian reservation, thence in a continuous line 35 chains to a point in the Western New York & Pennsylvania railroad tract 51 chains 50 links westerly from mile post number 83, as measured along the center of said tract, thence north, 50 degrees, 45 minutes west, 128 chains to the south-east corner of lot number 44, in township number 2, thence north along the east bounds thereof to the north-east corner thereof, thence west to the north-west corner thereof, thence north along the west bounds of lots 45 and 46 to the north-west corner of said lot 46, thence east to the north-east corner of lot number 6, in said township number 1, thence south along the east bounds of the eighth range to the state line, thence west along the state line to the point of beginning is hereby erected into a separate town to be hereafter known and distinguished by the name of Elko.

Sec. 2. All the rest and remainder of the said town of South Valley as now existing is hereby erected into a separate town to be hereafter known and distinguished by the name of South Valley.

Sec. 3. The first annual town meeting in the said new town of Elko hereby erected shall be held at the building known and designated as Seitz Bros. store, on the same day that other towns hold their annual town meetings in said county of Cattaraugus. M. D. Holt, David,

Flagg, Jr. and Henry Morrison are hereby appointed to preside at the first town meeting to be held in said town of Elko, to appoint a clerk, open and keep the polls and shall have and exercise the same powers as justices of the peace when presiding at town meetings.

Sec. 4. The first town meeting to be held in said new town of South Valley, hereby erected, shall be held at the building and room known as Southerland's Hall in the village of Onoville in said town on the same day that other towns hold their annual town meetings. Warren L. Reeves, William Wheeler and A. A. Wilcox are hereby appointed to preside at the first town meeting to be held in said town of South Valley to appoint a clerk, open and keep the polls and shall have and exercise the same powers as justices of the peace when presiding at town meetings.

Sec. 5. This act shall take effect immediately.

STATE OF NEW YORK, }
County of Cattaraugus, } ss. :

We, the undersigned, chairman and clerk of the board of supervisors of said county for the year 1890, do hereby certify that the foregoing is a true copy of an act passed by said board, by a two-thirds vote of all the members elected to said board, the supervisor of the town of South Valley voting therefor, on the 26th day of November, 1890.

NORMAN M. ALLEN,

Chairman.

[L. S.]

EDWIN S. KING,

Clerk.

(Endorsed.) Filed Dec. 2, 1890.

TH. E. BENEDICT,

Deputy Secretary of State.

AN ACT to divide the town of Waverly, in the county of Franklin, and state of New York, and to erect a separate and distinct town by the board of supervisors thereof to be called "Altamont."

PASSED Nov. 19, 1890, by the board of supervisors of Franklin county, two-thirds of all the members elected thereto voting in the affirmative.

The People of the county of Franklin represented in the Board of Supervisors do enact as follows :

SECTION 1. All that part of the town of Waverly, bounded and described as follows: Beginning at the north-west corner of township No. 19, of the town of Waverly, and running thence east in the northerly line of said township and the southerly line of township No. 16, of said town to the north-east corner of said township No. 19, and the west line of the town of Santa Clara; thence along the west line of said town of Santa Clara southerly to the south-west corner of township No. 26, of the town of Harriestown, and to the north line of the county of Hamilton; thence westerly along the southerly line of township No. 25 in said town of Waverly, and said northerly line of said county of Hamilton, to the south-west corner of said township No. 25, and thence northerly along the west line of townships Nos. 25, 22 and 19 of said town of Waverly to the place of beginning, containing the whole of said named townships Nos. nineteen, twenty-two and twenty-

five of said town of Waverly, is hereby erected into a separate town to be hereafter known and distinguished by the name of Altamont.

Section 2. The first annual town meeting in the town hereby erected, Altamont, shall be held at the hotel at Tupper's Lake, in said new town of Altamont, known as the "Park's House," on the first Tuesday, the 3rd day of March, in the year one thousand eight hundred and ninety-one, and thereafter town meetings shall be held in said new town, Altamont, on the same day that other towns in said county of Franklin hold their annual town meetings.

Section 3. Simeon J. Moody, William La Fountain and P. M. Freeman are hereby designated and appointed to preside at the first annual town meeting to be held in said town of Altamont as herein provided, and said Simeon J. Moody, William La Fountain and P. M. Freeman are hereby authorized and empowered to appoint a clerk, open keep and protect the polls and shall have and exercise the same powers as justices of the peace when presiding at town meetings in said county.

Section 4. This act shall take effect immediately.

The foregoing has been compared with the original act passed by the board of supervisors of Franklin county on the 19th day of November, 1890, and is a correct transcript of the same and of the whole thereof.

In testimony whereof we have hereunto set our hands and seal this 24th day of November, 1890.

[L. s.]

M. W. HUTCHINS,

Clerk.

GEO. G. GURLEY,

Chairman.

(Endorsed.) Filed Dec. 6, 1890.

TH. E. BENEDICT,

Deputy Secretary of State.

AN ACT to divide the town of Binghamton, in the county of Broome, and the erection of a new town from the northern part of said town, situate north of the city of Binghamton, by the board of supervisors thereof, pursuant to chapter 194, laws of 1849, amended by laws of 1871, chapter 18 and chapter 319 laws of 1872.

The board of supervisors of Broome county do resolve and enact as follows:

SECTION 1. All that part of the present town of Binghamton described and bounded as follows, viz.: Beginning on the west bank of the Chenango river at the north line of the city of Binghamton, thence northerly along the west bank of said river to a point parallel with the south line of the village of Port Dickinson, thence south 85 degrees 50 minutes east 28 chains to the north-east corner of the city of Binghamton, thence south twenty-six degrees thirty-eight minutes east 73.93 chains to the north line of the Bingham patent thence south 87° east 6 chains to the west line of the town of Kirkwood, thence north 3° east 162 chains to the north-east corner of the town of Binghamton, thence north 86° 15' west 72 chains to the center of the Chenango river, thence southerly down the center of said river to the south line of the town of Chenango, thence north 85° 43' west 196.78 chains to the north-west corner of the town of Binghamton, thence south 87° east 190.25 chains to the place of beginning, being all that

portion of the said town of Binghamton lying north of the city of Binghamton, is hereby erected into a separate town to be hereafter known and distinguished by the name of Dickinson.

The first annual town meeting in the town hereby erected shall be held at Osborn & Winn's Hall, in said town, on the 10th day of February, 1891, and thereafter the same shall be held on the same day that other towns hold their annual town meetings in said county of Broome. Edward H. Smith, Myron L. Jones and Silas P. Chase are hereby appointed to preside at the first town meeting to be held in the said town of Dickinson, to appoint a clerk, open and keep the polls, and shall have and exercise the same powers as justices of the peace when presiding at town meetings.

Section 2. All the residue of the said town of Binghamton shall continue to be the town of Binghamton and be called and known by the name of the town of Binghamton, and from and after the passage of this act all laws now in force applicable to the said town of Binghamton shall apply to the town of Binghamton.

The annual town meeting in the town of Binghamton shall be held at Lyceum Hall, Hawleytown, in the said town on the 10th day of February, 1891, and thereafter the same shall be held on the same day that other towns hold their annual town meetings in said county of Broome.

John Moses, L. M. Blanding and W. D. Rowley are hereby appointed to preside at the annual town meeting to be held in the said town of Binghamton, to appoint a clerk, open and keep the polls and have and exercise the same powers as justices of the peace when presiding at town meetings.

Section 3. This act shall take effect immediately.

STATE OF NEW YORK, }
County of Broome, } ss.:

We, Charles E. Fuller, chairman, and Arthur W. T. Back, clerk of the board of supervisors of the county of Broome, N. Y., do hereby certify and attest that the foregoing resolution and act was duly passed at a regular session of said board duly held on the 12th day of December, 1890, two-thirds of all the members elected to said board being present and voting in favor thereof. The vote having been as follows:

Ayes — Alden, A. E. Andrews, E. M. Andrews, Beach, Blanding, Brown, Brownell, Fancher, Gallagher, Harrington, Landers, Pickard, Richards, Roe, Stone, Warner, Watrous, Williams — 18.

Nays — Gleason, Irving, Leslie, Lewis, Sweeny, Van Amburgh, Waite — 7.

Absent — Jennings — 1.

Chair not voting.

In witness whereof we have set our hands and affixed the official seal of said board this 12th day of December, 1890.

[L. S.]

O. E. FULLER,

Chairman.

ARTHUR W. T. BACK,

Clerk.

(Endorsed.) Filed Feb. 18, 1891.

TH. E. BENEDICT,

Deputy Secretary of State.

CONCURRENT RESOLUTIONS

OF THE

SENATE AND ASSEMBLY

CONCURRENT RESOLUTION

Relating to the return by the United States to the several states and territories and the District of Columbia of moneys collected under the direct tax levied by the act of congress approved August fifth, eighteen hundred and sixty-one.

Resolved, (if the senate concur), That the legislature of the state of New York hereby accepts the sums appropriated by an act of the congress, approved March second, eighteen hundred and ninety-one, entitled "An act to credit and pay to the several states and territories and the District of Columbia all moneys collected under the direct tax levied by the act of congress approved August fifth, eighteen hundred and sixty-one," to reimburse the state of New York for all moneys found due it under the provisions of said act, and the trusts imposed in and by said act, in full satisfaction of all claims against the United States on account of the levy and collection of such tax; and hereby authorizes the governor of the state to receive the moneys so appropriated for the uses and purposes specified in said act of congress, approved March second, eighteen hundred and ninety-one.

STATE OF NEW YORK:
IN SENATE, March 6, 1891.
The foregoing resolution was duly passed, a majority of all the senators elected voting in favor thereof.

By order of the senate.

JOHN S. KENYON,
Clerk.

STATE OF NEW YORK:
IN ASSEMBLY, March 4, 1891.
The foregoing resolution was duly passed, a majority of all the members elected to the assembly voting in favor thereof.

By order of the assembly.

CHARLES R. DE FREEST,
Clerk.

CONCURRENT RESOLUTION

Proposing an amendment to section ten, article three of the constitution, relating to the powers of the two houses of the legislature.

Resolved (if the assembly concur), That the tenth section of the third article of the constitution be amended so that it will read as follows:

§ 10. A majority of each house shall constitute a quorum to do business. Each house shall determine the rules of its own proceedings,

and choose its own officers. The senate shall choose a temporary president when the lieutenant governor shall not attend as president, or shall act as governor. The election, return and qualifications of any member of either house of the legislature, when disputed or contested, shall be determined by the courts in such manner as the legislature shall prescribe, and such determination, when made, shall be conclusive upon the legislature. Either house of the legislature may expel any of its members for misconduct; but every person who receives a certificate of election as a member of either house, according to law, shall be entitled to a seat therein unless expelled for misconduct, or ousted pursuant to a judgment of a court of competent jurisdiction.

Resolved (if the assembly concur), That the foregoing amendment be referred to the legislature to be chosen at the next general election of senators, and that in conformity to section one, article thirteen of the constitution it be published for three months previous to the time of such election.

STATE OF NEW YORK:

IN ASSEMBLY, March 6, 1891.

The foregoing resolution was duly passed, a majority of all the members elected to the assembly voting in favor thereof.

By order of the assembly.

CHARLES R. DE FREEST,
Clerk.

STATE OF NEW YORK:

IN SENATE, March 4, 1891.

The foregoing resolution was duly passed, a majority of all the senators elected voting in favor thereof.

By order of the senate.

JOHN S. KENYON,
Clerk.

CONCURRENT RESOLUTION

Proposing an amendment to section seven of article seven of the constitution, relating to Onondaga salt springs.

Resolved (if the assembly concur), That section seven of article seven of the constitution be amended so as to read as follows:

§ 7. The legislature may provide by law for the sale and disposition of the salt springs and the lands adjacent thereto belonging to this state, making just compensation to all persons having any rights therein.

Resolved (if the assembly concur), That said amendment to said section seven of article seven be referred to the legislature to be chosen at the next general election of senators, and that, pursuant to section one of article thirteen of the constitution, it be published for three months previous to the time of such election.

STATE OF NEW YORK:

IN ASSEMBLY, March 24, 1891.

The foregoing resolution was duly passed, a majority of all the members elected to the assembly voting in favor thereof.

By order of the assembly.

CHAS. R. DE FREEST,
Clerk.

STATE OF NEW YORK:

IN SENATE, February 27, 1891.

The foregoing resolution was duly passed, a majority of all the senators elected voting in favor thereof.

By order of the senate.

JNO. S. KENYON,
Clerk.

CONCURRENT RESOLUTION

Proposing an amendment of section two of article six of the constitution, relative to the court of appeals.

Resolved (if the assembly concur) That section two of article six of the constitution be amended so as to read as follows:

§ 2. There shall be a court of appeals, composed of a chief judge and fourteen associate judges, who shall be chosen by the electors of

the state, and shall hold their office for the term of fourteen years from and including the first day of January next after their election, except that the term of those first elected hereunder to complete the requisite number shall commence on the canvass showing their election and continue for fourteen years from and including the first day of January next thereafter. The present chief judge and judges shall compose a portion of said court, until the expiration of their respective terms of office. Every elector may vote for the chief judge, if one is to be elected. At all elections for associate judges where more than one is to be elected, if an even number is to be chosen, no elector shall vote for more than one-half of the number to be chosen; if an uneven number is to be chosen, no elector shall vote for more than the smallest number sufficient to constitute a majority of the number to be chosen. Any five members of the court shall form a quorum, and the concurrence of four shall be necessary to a decision. In any case the chief judge, or a majority of all the associate judges, may order that the case shall be heard before not less than ten judges, when the concurrence of a majority of those before whom it is heard shall be necessary to a decision. Two or more quorums of said court may sit at the same time. The court shall have the appointment, with the power of removal, of its reporter and clerk, and of such attendants as may be necessary.

Resolved (if the assembly concur), That the foregoing amendment be referred to the legislature, to be chosen at the next general election of senators, and that in conformity with section one of article thirteen of the constitution, it be published for three months previous to the time of such election.

STATE OF NEW YORK:

IN ASSEMBLY, April 14, 1891.

The foregoing resolution was duly passed, a majority of all the members elected to the assembly voting in favor thereof.

By order of the assembly.

CHAS. R. DE FREEST.

Clerk.

STATE OF NEW YORK:

IN SENATE, April 9, 1891.

The foregoing resolution was duly passed, a majority of all the senators elected voting in favor thereof.

By order of the senate.

JNO. S. KENTON.

Clerk.

NAMES CHANGED

UNDER AND PURSUANT TO TITLE X, CHAPTER XVII OF
"THE CODE OF CIVIL PROCEDURE."

STATE OF NEW YORK, }
County of Westchester, } ss.:

Pursuant to the statute in such case made and provided, I, John M. Digney, county clerk of the county of Westchester, do hereby certify that the following named changes of names were made by the courts of this county during the year 1890, viz.:

William M. Skinner, Jr., to William Maison du Bois.

Order entered Nov. 30, 1889, to take effect Jan. 1, 1890.

Mabel Bartram Skinner to Mabel Bartram du Bois.

Order entered Nov. 30, 1889, to take effect Jan. 1, 1890.

Mabel Skinner to Mabel du Bois.

Order entered Nov. 30, 1889, to take effect Jan. 1, 1890.

William Washburn to William Washburn Ryder.

Order entered Oct. 21, 1890, to take effect Oct 27, 1890.

Witness my hand the seal of said county this 30, day of

[L. s.] December, 1890.

JNO. M. DIGNEY,

Clerk of Westchester County.

Endorsed: Filed Dec. 31, 1890.

FRANK RICE,

Secretary of State.

STATE OF NEW YORK, }
County of Kings, } ss.:

Pursuant to the statute in such cases made and provided, I, William J. Kaiser, clerk of the county of Kings, do hereby certify that the following changes of names were made by the courts of this county during the year 1890, viz.:

Ellen Derin to Ellen Plant,

to take effect Mch. 10, 1890.

The Brooklyn Nursery to the Brooklyn Nursery and Infants' Hospital,

to take effect Mch. 10, 1890.

NAMES CHANGED.

Willis Holley Moses to Willis Holley Morris,
to take effect May 25, 1890.

Charlotte Louisa Kelly to Charlotte Louisa Mundy,
to take effect June 23, 1890.

William Wietrzhowski to William White,
to take effect July 10, 1890.

The Brooklyn Real Estate Exchange and Auction Room Limited
to The Brooklyn Real Estate Exchange, Limited,
to take effect July 25, 1890.

Daniel Mack to Daniel McNamara,
to take effect Nov. 18, 1890.

Charles Alfred Clements to Charles Alfred Scott,
to take effect Nov. 20, 1890.

Charles Henry Rozezlawski to Charles Henry Roseman,
to take effect Nov. 18, 1890.

Otto Myers to Otto Hirsch,
to take effect Dec. 10, 1890.

Albert Moses, Mary H. Moses, Arthur Moses, Wilbur Moses and
Ethel Moses to Albert Morris, Mary H. Morris, Arthur Morris, Wilbur
Morris and Ethel Morris,
to take effect Dec. 22, 1890.

Andrew Jackson Moses and Martha Moses to Andrew Jackson
Morris and Martha Morris,
to take effect Dec. 22, 1890.

Herbert Rich Connell to Herbert Stanley Connell,
to take effect Jan. 10, 1891.

Henry Kojanowski, August Wilson Kojanowski, Edward Kojanow-
ski, Charles Leonard Kojanowski to Henry Kojan, August Wilson
Kojan, Edward Kojan, Charles Leonard Kojan,
to take effect Jan. 15, 1891.

Joseph E. Schlepegrell to Joseph E. Segrell,
to take effect Jan. 20, 1891.

Emma Sypher to Emma Salter,
to take effect Feb. 1, 1891.

In witness whereof I have hereunto set my hand and affixed
[L. s.] the seal of said county at Brooklyn this 31st day of Decem-
ber, 1890.

WM. J. KAISER,
Clerk.

Endorsed: Filed Jan'y 2, 1891.

FRANK RICE,
Secretary of State.

STATE OF NEW YORK, }
Genesee County Clerk's Office, } ss.:

I, Carlos A. Hull, clerk of said county, do hereby certify that the
names of the following persons have been changed by order of the

county court, entered March 29, 1890, to take effect from and after May 1, 1890.

Hattie E. Chase to Hattie E. Starr.

James Starr Chase to Jasper Paul Starr.

Witness my hand and the seal of said county and court at
[L. s.] Batavia, N. Y., this 31st day of December, 1890.

CARLOS A. HULL,
Clerk.

Endorsed: Filed Jan. 2, 1891.

FRANK RICE,
Secretary of State.

STATE OF NEW YORK, }
City Court of New York, } ss.:

Pursuant to section 2418 of the Code, I, Michael T. Daly, clerk of the city court of New York, do hereby certify that the names of the following persons have been changed by the said court during the year 1890, viz.:

Katherina Lenz to Katherina Weber.	
Order entered January 8th, 1890.	No. 1.
Alfred Joseph Reynolds to Charles Haar.	
Order entered January 21st, 1890.	No. 2.
Ada L. Littlehale to Ada L. Kuapp.	
Order entered March 21st, 1890.	No. 3.
William L. Skinkle to William N. Lampman.	
Order entered April 7th, 1890.	No. 4.
Howard Ames Oppenheim to Howard Ames.	
Order entered April 8th, 1890.	No. 5.
Samuel Heshinowitz to Samuel Hirsch.	
Order entered April 15th, 1890.	No. 6.
Christoph Amerschuber to Christoph A. Schuber.	
Order entered April 22nd, 1890.	No. 7.
Samuel Morse Kolasky to Samuel Morse Koles.	
Order entered May 3rd, 1890.	No. 8.
Emanuel Kolasky to Edward Koles.	
Order entered May 3rd, 1890.	No. 9.
Eli Kolasky to Eli Koles.	
Order entered May 3rd, 1890.	No. 10.
Clement Heidelberger to Clement Heidelberger Lauteren.	
Order entered May 7th, 1890.	No. 11.
Max Jakobovitsch to Max Jakobson.	
Order entered May 8th, 1890.	No. 12.
Emanuel Sternlicht to Emanuel Starlight.	
Order entered June 25th, 1890.	No. 13.

Marcus Sternlicht to Marks Starlight. Order entered June 25th, 1890.	No. 14.
James W. Knell to Neilson Burgess. Order entered July 3rd, 1890.	No. 15.
David Grodinsky to David Gordon. Order entered July 22nd, 1890.	No. 16.
Julius Soloweitschyk to Julius Solow. Order entered September 9th, 1890.	No. 17.
Stephen Rieger to John Randolph Smythe. Order entered September 9th, 1890.	No. 18.
Samuel Brigselsky to Samuel Brissel. Order entered September 10th, 1890.	No. 19.
John Rose to Mark Gretsck. Order entered September 30th, 1890.	No. 20.
James J. Kelly to John Redding Kelly. Order entered October 13th, 1890.	No. 21.
Abel Braslavsky to Abel Braslau. Order entered October 15th, 1890.	No. 22.
Franklin File to Franklin Fyles. Order entered October 17th, 1890.	No. 23.
Sarah E. File to Sarah E. Fyles. Order entered October 17th, 1890.	No. 24.
Franklin E. File to Franklin E. Fyles. Order entered October 17th, 1890.	No. 25.
Florence File to Florence Fyles. Order entered October 17th, 1890.	No. 26.
Charles E. File to Charles E. Fyles. Order entered October 23rd, 1890.	No. 27.
Moritz Heinrich Dombrowsky to Dagobert Henri. Order entered October 23rd, 1890.	No. 28.
Raphael D. Pilwisky to Raphael D. Palmer. Order entered November 3rd, 1890.	No. 29.
Hirsch Myers to Myer Hirsch. Order entered November 7th, 1890.	No. 30.
Fanny Myers to Fanny Hirsch. Order entered November 7th, 1890.	No. 31.
August Luckmann to Adolph Luckmann. Order entered November 10th, 1890.	No. 32.
Joseph Bernhard Gartenlaub to Joseph Bernhard Gardner. Order entered November 19th, 1890.	No. 33.
William Pluntky to William Plunkett. Order entered December 11th, 1890.	No. 34.

John Henning Carlson Backe to John Henning.

Order entered December 18th, 1890.

No. 35.

[L. s.] Witness my hand and the seal of said court this 31st day of
December, 1890.

MICHAEL T. DALY,

Clerk City Court of New York.

Endorsed: Filed Jan. 2, 1891.

FRANK RICE,

Secretary of State.

STATE OF NEW YORK, }
City and County of New York, } ss. :

Pursuant to statute in such provided, I, S. Jones, clerk of the court of common pleas for the city and county of New York, do report, and hereby certify, that the names of the following persons have been changed by the said court during the year 1890, viz.:

Cæsar August Krantz to Cæsar August Monnet.

Order entered February 3rd, 1890.

Sigmar Löwy to Gustave Lève.

Order entered January 14th, 1890.

Cecilia L. Hubbe to Cecilia L. Wigand.

Order entered February 3rd, 1890.

Bertha Simelles to Bertha Porges.

Order entered February 6th, 1890.

Emily B. Beardsley to Emily B. Upson.

Order entered February 8th, 1890.

Ignatius H. Lishenewsky to Ignatius H. Lish.

Order entered February 21st, 1890.

Louis M. Beckwith Oppenheim and Clara Lippitt Oppenheim to
Louis M. Beckwith and Clara Lippitt Beckwith.

Order entered March 31st, 1890.

Trustees of the Congregation Beth Hamedrash to Kahal Ada Jes-
hurun.

Order entered April 22nd, 1890.

David S. Granbert to David S. Grey.

Order entered May 23rd, 1890.

Richard Petch to Richard Wilberforce.

Order entered June 6th, 1890.

Leon Hernandez to Leon Hernandez de Figueroa.

Order entered June 9th, 1890.

Zelie Levy to Zely Lavy.

Order entered June 10th, 1890.

The Abyssinian Baptist Church of the City of New York to the
Antioch Baptist Church of the City of New York.

Order entered June 17th, 1890.

Samuel D. Wisansky to Samuel D. Wisan.

Order entered July 1st, 1890.

George Rosensky to George Randlell.

Order entered August 6th, 1890.

John Henry Backhaus to John Henry Backus.

Order entered August 14th, 1890.

Giuseppi Naudi to Frank Williams.

Order entered September 3rd, 1890.

John H. Fitzgerald to John Franklin Forrester.

Order entered September 9th, 1890.

Joseph Rosenzweig to Joseph Arthur Leon.

Order entered September 22nd, 1890.

John Jacob Astor Armstrong to John Jacob Astor.

Order entered September 29th, 1890.

West 25th Street United Presbyterian Congregation of the City of New York to First United Presbyterian Church of New York City.

Order entered October 1st, 1890.

Isidore Kaliski to Isidore Sidney Kallis.

Order entered October 3rd, 1890.

Adolph H. Karashinsky to Adolph H. Karash.

Order entered October 6th, 1890.

Marie Louise Fouqu   to Marie Louise Rennes.

Order entered October 21st, 1890.

Louis Labishinsky to Louis Lewis.

Order entered November 10th, 1890.

Charles Arthur Cohn to Charles Arthur Cone.

Order entered November 13th, 1890.

Frederick Hanover Cohn to Frederick Hanover Cone.

Order entered November 13th, 1890.

Samuel Winternitz to Samuel Winters.

Order entered November 20th, 1890.

Jacques Silberstein to Jacques Castell.

Order entered December 9th, 1890.

George Oliver Silberstein to George Oliver Castell.

Order entered December 9th, 1890.

Henry Dormitzer to Henry Dormer.

Order entered December 12th, 1890.

Andrew Paul Shades to Benjamin F. Keith.

Order entered December 15th, 1890.

In attestation whereof I have hereunto subscribed my name,
[L. s.] and have affixed the seal of the said court this 31st day of
December, 1890.

S. JONES,
Clerk.

Endorsed. Filed Jan. 3, 1891.

FRANK RICE,
Secretary of State.

STATE OF NEW YORK, }
Wyoming County Clerk's Office, } ss.:

I, Edward M. Jennings, county clerk of the county of Wyoming, and of the county court thereof, hereby certify that the following change of name was made by order of the county court of said county, duly entered in this office on the first day of December, 1890:

Elbert Eli Farman, 2d, to Elbert Henry Farman.

Witness my hand and the seal of said county at Warsaw, N. Y.,
[L. s.] this 31st day of December, 1890.

E. M. JENNINGS,
Clerk.

Endorsed: Filed Jan. 3, 1891.

FRANK RICE,
Secretary of State.

STATE OF NEW YORK, }
County of Rensselaer, } ss.:

Pursuant to the statute in such case made and provided, I, Daniel E. Conway, clerk of the county of Rensselaer, do hereby certify that the following changes of names were made by the courts of this county during the year 1890, viz.:

Frances Ham to Frances Ham Weatherwax,
to take effect at once, June 19, 1890.

Oct. 9, 1890. Charles Walter Smith to Walter Seymour,
to take effect Nov. 7, 1890.

All of which is respectfully submitted.

Yours, &c.,

D. E. CONWAY,
Rens. Co. Clerk.

Endorsed: Filed Jan. 5, 1891.

FRANK RICE,
Secretary of State.

STATE OF NEW YORK, }
Jefferson County Clerk's Office, } ss.:

I, O. D. Greene, clerk of the county of Jefferson and of the county court thereof, do hereby certify that the following change of name was made by order of the county court of said county duly entered May 24, 1890.

Lewis Wendell Wilson to Lewis Wendell Smith.

Witness my hand & seal of said court at Watertown, N. Y.,
[L. s.] this 31 day of December, 1890.

O. D. GREENE,
Clerk.

Endorsed: Filed Jan. 10, 1891,

FRANK RICE,
Secretary of State.

[illegible]

NAME OF CORPORATION.	PRINCIPAL BUSINESS AND OBJECTS OF CORPORATION.	Date of filing preliminary certificate.	Date of issue of final certificate of incorporation by Secretary of State.	Location of principal business office.	Amount of original capital.	Change of capital.	Date of filing certificate of change.
Allatropic Chemical Company (limited)	Manufacturing chemical preparations	Dec. 18, 1899	Jan. 17, 1890	Mechanicville	\$1,000 .....	.....	.....
Adams Gas Light Co., limited	Drilling for and furnishing gas	Jan. 23, 1890	Feb. 26, 1890	Adams	2,000 .....	.....	.....
Astoria Nurseries	Planting, raising and dealing in flowers, seeds, trees, etc., soil, silver, etc.; canning fish; dealing in fur, gold	Mar. 6, 1890	Mar. 12, 1890	Long Is'd City	10,000 .....	.....	.....
Alaska Company of New York, limited	Dealing in railroad and steamboat tickets	Mar. 14, 1890	April 16, 1890	New York	100,000 .....	.....	April 21, 1890
Amityville Land Improvement Company, limited	Giving theatrical and other performances	Jan. 21, 1890	June 20, 1890	Buffalo	5,000	\$100,000 .....	.....
American Ticket Brokers Association, limited	Manufacturing and dealing in boots, shoes, etc.	June 3, 1890	July 2, 1890	Gravesend	10,000 .....	.....	.....
American Amusement Company, limited	Manufacturing conduits and tubing for electrical	May 26, 1890 .....	.....	Brooklyn	25,000 .....	.....	.....
Arclit Consolidit Company, limited	Operating a school	Oct. 15, 1890	Oct. 28, 1890	New York	35,000 .....	.....	.....
Bearley School, limited	Painting and decorating	Jan. 3, 1890	Feb. 21, 1890	New York	100,000 .....	.....	.....
Birn & Lambert Co., limited	Dealing in lumber	Feb. 10, 1890	Feb. 24, 1890	Brooklyn	50,000 .....	.....	.....
Brooklyn American Association Base Ball Club, limited	Maintaining grounds, giving base ball exhibitions, etc .....	.....	.....	Newtown	20,000 .....	.....	.....
Berkman Bottling Company, limited	Conducting a general bottling business, dealing in cigars, cigarettes, triplopes and cycling sundries	Mar. 4, 1890	Mar. 13, 1890	Bath	10,000 .....	.....	.....
Banker & Campbell Company, limited	Dealing in real estate and furnishing power and heat	April 1, 1890	April 15, 1890	New York	25,000 .....	.....	.....
Brooklyn Factory and Power Company, limited	Conducting a cartage business	Apr. 10, 1890	April 29, 1890	Brooklyn	150,000 .....	.....	.....
Brooklyn Transportation Company, limited	Dealing in general merchandise	Feb. 6, 1890	May 21, 1890	Brooklyn	100,000 .....	.....	.....
Brooklyn Base Ball Club, limited	Maintaining a base ball club	May 1, 1890	June 13, 1890	Bernhard's Bay, Brooklyn	5,000 .....	.....	.....
Brooklyn Base Ball Club, limited	Manufacturing fruit packages, baskets, etc	Nov. 21, 1889	June 14, 1890	Brooklyn	30,000 .....	.....	.....
Buffalo Fish Company, limited	Carrying on real estate, docks, shipping and merchandizing business	May 29, 1890	Sept. 27, 1890	Penn Yan	100,000	300,000	July 17, 1890
Bank Company, limited	Manufacturing railroad ties and lumber .....	.....	.....	.....	100,000	380,000	Oct. 1, 1890
Buffalo The Company, limited	Dealing in and transporting merchandise	Oct. 28, 1890	Nov. 10, 1890	New York	100,000 .....	.....	.....
Business Hygiene Ice Manufacturing Company, limited	Manufacturing and selling ice	Oct. 29, 1890	Nov. 11, 1890	Buffalo	5,000 .....	.....	.....
Business Hygiene Ice Manufacturing Company, limited	Manufacturing and selling ice	Jan. 21, 1890	Jan. 25, 1890	New York	10,000 .....	.....	.....
Buffalo The Company, limited	Manufacturing and selling ice	Dec. 11, 1899	Feb. 3, 1890	New York	250,000 .....	.....	.....
Buffalo The Company, limited	Manufacturing and selling ice	Jan. 18, 1890	Feb. 18, 1890	New York	10,000 .....	.....	.....
Buffalo The Company, limited	Manufacturing and selling ice	Nov. 26, 1890	Feb. 27, 1890	Newtown	60,000 .....	.....	.....
Buffalo The Company, limited	Manufacturing and selling ice	Feb. 26, 1890 .....	.....	New York	50,000 .....	.....	.....
Buffalo The Company, limited	Manufacturing and selling ice	Feb. 27, 1890 .....	.....	New York	1,000 .....	.....	.....
Buffalo The Company, limited	Manufacturing and selling ice	April 8, 1890	Apr. 18, 1890	New York	2,000 .....	.....	.....
Buffalo The Company, limited	Manufacturing and selling ice	May 20, 1890	May 20, 1890	New York	20,000 .....	.....	.....
Buffalo The Company, limited	Manufacturing and selling ice	June 27, 1890	June 27, 1890	New York	2,000 .....	.....	.....
Buffalo The Company, limited	Manufacturing and selling ice	June 27, 1890	July 1, 1890	Cape Vincent	20,000 .....	.....	.....
Buffalo The Company, limited	Manufacturing and selling ice	July 21, 1890	Aug. 4, 1890	Niagara Falls	10,000 .....	.....	.....
Buffalo The Company, limited	Manufacturing and selling ice .....	.....	.....	.....	20,000	40,000	Sept. 30, 1890

Curry Sales Company, limited.....	June 28, 1890	Nov. 12, 1890	Chautauqua.....	101,000	125,000	Oct. 28, 1890
Chautauque School of Physical Education, limited.....	Nov. 22, 1890	Dec. 11, 1890	New York.....	6,000		
Canda & Mathews Manufacturing Company, limited.....	Jan. 15, 1890	Feb. 10, 1890	New York.....	25,000		
Deer Hill Company, limited.....	Mar. 31, 1890	May 20, 1890	Dunkirk.....	100,000	45,000	Mar. 14, 1890
Dean & Spring Manufacturing Company.....	June 30, 1890	Aug. 12, 1890	New York.....	20,000		
Deering Base Ball Association, limited.....	July 30, 1890	Sept. 16, 1890	New York.....	50,000	100,000	May 31, 1890
Deere Cattle Co., limited.....	Nov. 7, 1890	Nov. 21, 1890	Brooklyn.....	30,000		
De Sauge Physical Culture Institute, limited.....	Jan. 10, 1890	Feb. 7, 1890	Brooklyn.....	1,000,000		
De Sauge Physical Culture Institute, limited.....	July 1, 1890	July 12, 1890	New York.....	500,000		
D. & M. Chamney Real Estate Company, limited.....	Nov. 7, 1890	Nov. 17, 1890	Buffalo.....	30,000		
Exchange Elevator Company, limited.....	Sept. 24, 1890	Nov. 30, 1890	Hamburg.....	30,000		
Empire City Subway Company (limited).....	Mar. 24, 1890	May 5, 1890	Fisher's Island.....	1,500	200,000	Mar. 31, 1890
Empire State Homestead Company, limited.....	May 15, 1890	May 22, 1890	Brooklyn.....	25,000		
Enterprise Real Estate Agency, limited.....	June 10, 1890	June 19, 1890	Brooklyn.....	200,000		
Enterprise Real Estate Agency, limited.....	Jan. 15, 1890	Jan. 12, 1890	New York.....	5,000		
Enterprise Real Estate Agency, limited.....	Dec. 17, 1890	Dec. 26, 1890	New York.....	50,000		Oct. 16, 1890
Enterprise Real Estate Agency, limited.....	Jan. 31, 1890	Feb. 20, 1890	New York.....	50,000		
Enterprise Real Estate Agency, limited.....	Mar. 13, 1890	Mar. 24, 1890	Watkins.....	75,000		
Enterprise Real Estate Agency, limited.....	Apr. 11, 1890	Apr. 24, 1890	Watkins.....	30,000	57,000	May 7, 1890
Enterprise Real Estate Agency, limited.....	May 6, 1890	June 5, 1890	Watkins.....	4,000		
Enterprise Real Estate Agency, limited.....	Jan. 31, 1890	Feb. 14, 1890	New York.....	40,000	100,000	Sept. 8, 1890
Enterprise Real Estate Agency, limited.....	May 5, 1890	Sept. 15, 1890	Hornellville.....	50,000	50,000	April 21, 1890
Enterprise Real Estate Agency, limited.....	Sept. 5, 1890	Sept. 15, 1890	New York.....	30,000		
Enterprise Real Estate Agency, limited.....	Dec. 17, 1890	Jan. 2, 1890	Yonkers.....	100,000	160,000	Dec. 30, 1890
Enterprise Real Estate Agency, limited.....	May 2, 1890	May 15, 1890	New York.....	2,500		
Enterprise Real Estate Agency, limited.....	May 21, 1890	June 2, 1890	New York.....	15,000		
Enterprise Real Estate Agency, limited.....	July 11, 1890	July 16, 1890	New York.....	10,000		
Enterprise Real Estate Agency, limited.....	July 10, 1890	July 31, 1890	Philad'p'a, N.Y.....	50,000		
Enterprise Real Estate Agency, limited.....	Aug. 4, 1890	Aug. 18, 1890	New York.....	15,000		
Enterprise Real Estate Agency, limited.....	April 1, 1890	Sept. 8, 1890	Owego.....	5,000		
Enterprise Real Estate Agency, limited.....	Oct. 6, 1890	Oct. 30, 1890	New York.....	100,000		
Enterprise Real Estate Agency, limited.....	Jan. 9, 1890	Dec. 4, 1890	New York.....	25,000		
Enterprise Real Estate Agency, limited.....	May 21, 1890	June 13, 1890	Syracuse.....	100,000		
Enterprise Real Estate Agency, limited.....	Oct. 9, 1890	Nov. 26, 1890	Buffalo.....	40,000		
Enterprise Real Estate Agency, limited.....	Nov. 21, 1890	Jan. 17, 1890	Buffalo.....	2,500		
Enterprise Real Estate Agency, limited.....	Feb. 5, 1890	Feb. 17, 1890	New York.....	5,000	2,000,000	Feb. 28, 1890
Enterprise Real Estate Agency, limited.....	Feb. 12, 1890	Feb. 10, 1890	New York.....	5,000	2,000,000	May 29, 1890
Enterprise Real Estate Agency, limited.....	June 27, 1890	July 29, 1890	New York.....	50,000		

* Capital increased to \$250,000, April 18, 1897; reduced to \$200,000, March 31, 1890.

BUSINESS CORPORATIONS.

BUSINESS CORPORATIONS—(Continued).

NAME OF CORPORATION.	PRINCIPAL BUSINESS AND OBJECTS OF CORPORATION.	Date of filing preliminary certificate.	Date of issue of final certificate of incorporation by Secretary of State.	Location of principal business office.	Amount of original capital.	Change of capital.	Date of filing certificate of change.
Knitting Company of Mohawk, limited.	Manufacturing knit goods and woolen and cotton fabrics.	Oct. 14, 1890	Nov. 5, 1890	Mohawk	\$50,000		
Knickerbocker Book Company.	Manufacturing books, binding books, etc.	Nov. 25, 1890	Dec. 23, 1890	New York	10,000		
Madisonville Milling Company, limited.	Conducting general milling business.	Feb. 4, 1890	Feb. 19, 1890	Cohoes	45,000	\$125,000	
L. A. Robey Lumber Company, limited.	Manufacturing and dealing in shivers and skins.	April 3, 1890	Apr. 9, 1890	New York	20,000		Feb. 28, 1890
Louis C. Woodling Company, limited.	Erecting a building for holding meetings.	April 7, 1890	May 6, 1890	New York	1,300		May 7, 1890
Livingston Manor Grange Company.	Conducting a general publishing business.	May 27, 1890	June 3, 1890	Chenango	5,000		
Associated Milk Company, limited.	Dealing in sand, gravel, etc.; transportation of freight and passengers.	June 21, 1890	July 2, 1890	Tonawanda	30,000		
Associated Milk Company, limited.	Dealing in lumber, timber, etc.	July 9, 1890	July 28, 1890	New York	20,000		
Lake Erie Sand Company, limited.	Dealing in ash.	Oct. 28, 1890	Nov. 8, 1890	Cape Vincent	10,000	25,000	Oct. 22, 1890
L. F. Genet Lumber Company.	Constructing and operating telephone and telegraph lines.	Dec. 24, 1890	Dec. 13, 1890	Chase Lake	2,000		
Joseph Maudslayi Company, limited.	Transporting passengers and baggage.	Jan. 30, 1890	Feb. 21, 1890	Niagara Falls	360,000	600,000	Feb. 15, 1890
Lowville and Watson Telephone and Telegraph Company, limited.	General mining and milling.	Jan. 30, 1890	Feb. 21, 1890	New York	125,000		
Muske Hall Company of New York, limited.	Dealing in musical instruments, etc.	Feb. 13, 1890	Feb. 28, 1890	Rochester	160,000		
Miller & Brundage Coach Company, limited.	Dealing in real estate and improving the same.	Mar. 13, 1890	Mar. 26, 1890	Wheatfield	100,000	2,000,000	June 17, 1890
Maritime Company, limited.	Dealing in milk, cream and other dairy products.	Mar. 28, 1890	Apr. 12, 1890	Blodgett's Mills	2,500		
Maritime Company, limited.	Purchasing real estate and buildings, conducting hotel, etc.	Aug. 23, 1890	Sept. 26, 1890	Blodgett's Mills	2,500		
Maritime Company, limited.	Dealing in real estate.	Oct. 14, 1890	Oct. 31, 1890	Gravesend	2,000,000		Nov. 15, 1890
Maritime Company, limited.	Dealing and dealing in poultry, pigeons and other birds.	Oct. 23, 1890	Dec. 22, 1890	Buffalo	20,000		
Maritime Company, limited.	Giving instruction in the art of massage.	Jan. 3, 1890	Jan. 28, 1890	New York	2,000		
Maritime Company, limited.	Giving theatrical and museum exhibitions.	Feb. 20, 1890	Feb. 28, 1890	New York	500		
Maritime Company, limited.	Conducting lines of stages.	Feb. 20, 1890	Feb. 28, 1890	New York	50,000		
Maritime Company, limited.	Manufacturing ice and cold air, managing a refrigerating apparatus for cold storage.	Mar. 3, 1890	Mar. 21, 1890	Nyack	1,400		
Maritime Company, limited.	Transporting passengers and freight by water.	Mar. 11, 1890	Apr. 1, 1890	New York	200,000		
Maritime Company, limited.	Manufacturing shoes, trunks, handbags, etc.	Mar. 28, 1890	Apr. 1, 1890	New York	10,000		
Maritime Company, limited.	Manufacturing boots, belting, and clothing.	Apr. 2, 1890	Apr. 1, 1890	New York	12,000		
Maritime Company, limited.	Dealing in lumber and timber and manufacturing articles therefrom.	Apr. 3, 1890	Apr. 30, 1890	New York	25,000	1,000,000	June 24, 1890
Maritime Company, limited.	Dealing in investment and other securities.	May 6, 1890	May 14, 1890	New York	25,000		
Maritime Company, limited.	Transportation of passengers.	May 2, 1890	May 16, 1890	New York	25,000	40,000	July 25, 1890
Maritime Company, limited.	Dealing in real estate; manufacturing and mining.	May 12, 1890	June 7, 1890	New York	5,000	25,000	June 3, 1890
Maritime Company, limited.	Dealing in commodities and brokerage.	June 7, 1890	June 18, 1890	New York	12,000		
Maritime Company, limited.	Transportation of passengers and freight by water.	June 20, 1890	June 24, 1890	New York	100,000		
Maritime Company, limited.	Conducting a real estate agency.	July 10, 1890	Aug. 12, 1890	New York	100,000		
Maritime Company, limited.	Dealing in real estate.	Aug. 16, 1890	Sept. 23, 1890	Buffalo	10,000		

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BUSINESS CORPORATIONS — (Continued).

NAME OF CORPORATION.	PRINCIPAL BUSINESS AND OBJECTS OF CORPORATION.	Date of filing preliminary certificate.	Date of issue of final certificate of incorporation by Secretary of State.	Location of principal business office.	Amount of original capital.	Change of capital.	Date of filing certificate of change.
Waterloo Wagon Co., limited.....	Supplying motive power for machinery, etc.	Dec. 30, 1890	Jan. 28, 1890	Albany.....	\$40,000	\$108,000	Jan. 6, 1890
Wheeler Rent and Power Company, limited.....	Constructing a club house and owning sail and other boats.....	July 5, 1890	Feb. 17, 1890	Lansburgh.....	10,000	.....	.....
William S. Earl Boat Club, limited.	Dealing in lumber, timber, etc.	Feb. 5, 1890	Feb. 5, 1890	New York.....	4,200	.....	.....
Wright Lumber Company, limited.....	Manufacturing knit goods.....	Feb. 5, 1890	Feb. 5, 1890	Richfield Springs.....	18,000	.....	.....
Waltona Knitting Company, limited.....	Manufacturing and dealing in aniline colors, dye shades, etc.	Feb. 5, 1890	Feb. 5, 1890	Richfield Springs.....	10,000	.....	.....
Wm. J. Matheson & Co., limited.....	Dealing in lumber.....	Aug. 4, 1890	Aug. 15, 1890	New York.....	250,000	.....	.....
Wright and Company, limited.....	Dealing in cloth, trimmings, etc., and repairing youths' clothing.....	Aug. 4, 1890	Aug. 15, 1890	Rochester.....	250,000	.....	.....
Wm. J. Matheson & Co., limited.....	Warehousing, storage and transportation of personal property.....	Aug. 19, 1890	Sept. 13, 1890	New York.....	10,000	.....	Sept. 11, 1890
Washington Storage Warehouse and Van Company, limited.....	Manufacturing boots and shoes.....	Sept. 8, 1890	Sept. 19, 1890	Phelps.....	200,000	.....	.....
W. H. Peiler Company, limited.....	Manufacturing electricity for light, heat and power	Sept. 17, 1890	Oct. 8, 1890	West Winfield.....	22,500	.....	.....
West Winfield Electric Light and Power Company, limited.....	Furnishing electricity for light, heat and power.....	Nov. 29, 1890	Dec. 11, 1890	Warsaw.....	5,000	24,500	Nov. 10, 1890
York State Dressed Meat Company, limited.....	Selling dressed meat on commission.....	May 3, 1890	May 9, 1890	New York.....	30,000	.....	.....

Dated at ALBANY, December 31, 1890.

FRANK RICE,

Secretary of State.

INDEX.

A

Academies.

	CHAP.	PAGE.
Common school teachers, instruction of, in, appropriation for.....	144	323
Common school teachers, instruction of, in, appropriation for.....	144	329
Dividends to, appropriation for.....	144	329

See, also, "SCHOOLS."

Actions at Law.

Abatement and continuance of, Code amended.....	284	522
Civil actions, challenge of jurors in.....	189	351
Claim to real property, actions to compel determination of.....	210	403
Costs, additional security for.....	161	345
Costs, security for, in certain cases.....	170	352
Limitations of, Code amended as to.....	70	86
Partition actions, distribution of unclaimed proceeds of sales in.....	365	709
Partition actions, presumption of death of unknown heirs in.....	364	709
Poor person, leave to prosecute as.....	170	352

See, also, Codes of "CIVIL" and "CRIMINAL PROCEDURE."

Acknowledgments.

Deeds and other instruments, by persons out of state; act amended.....	100	117
--	-----	-----

Adams Basin.

Culvert under canal at, rebuilding of.....	821	654
--	-----	-----

Adjutant-General.

Albany, armory at, completion of, appropriation for.....	322	655
Brooklyn, armory at, erection of, reappropriation for.....	81	96
Buffalo, armory at, repairs, etc., of, and rifle range for.....	302	594
Bureau of military records, appropriation for.....	144	330
Middletown, armory at, erection of, appropriation for.....	323	655
Military Code amended.....	261	487
National guard, expenses of, appropriation for.....	144	322
National guard, pensions for members of, appropriation for.....	302	594
National guard, statement of expenditures of, to be filed by.....	144	322
Postage and stationery for, office of, appropriation for.....	144	319
Rifle range for national guard, act providing for, amended.....	11	26
Rifle ranges, repairs of, appropriation for.....	302	594
Rochester, armory at, repairs to, appropriation for.....	147	332
State arsenals and armories, repairs, etc., of, appropriation for.....	302	594
State camp, lighting of, by electricity, appropriation for.....	302	594
State camp, repairs at, appropriation for.....	302	594
State naval militia, act establishing, amended.....	243	460
Suit against U. S., fees and expenses in prosecuting certain, appropriation for.....	302	594
Syracuse, armory at, improvements at, reappropriation for.....	76	98
Syracuse, armory at, repairs and betterments of, reappropriation for.....	256	481
Twenty-fourth separate company, replacing of arms, etc., of.....	324	656
Utica, armory at, erection of, appropriation for.....	345	689
War claims, services and expenses in prosecuting, appropriation for.....	302	594

Administrators.

Actions against, limitations of.....	70	86
Estates of decedents, appraisal of.....	34	50
Executor, etc., of deceased administrator, accounting by.....	175	355
Public administrator, repayment of moneys paid into treasury by.....	302	593

Agricultural Associations.

Act for formation of, amended.....	10	25
------------------------------------	----	----

Agricultural Experiment Station, Geneva.

Board of control, expenses of, appropriation for.....	144	320
Fertilizers, enforcement of act as to, appropriation for.....	302	602
Salaries, repairs and expenses of, appropriation for.....	144	320

	CHAP.	PAGE.
Agricultural Insurance Company, Watertown.		
Charter amended.....	145	331
Agricultural Lands.		
Draining of, act to encourage and facilitate.....	310	639
Agricultural Societies.		
Act for formation of, amended.....	10	25
Corporate existence of, extension of, general act amended as to.....	10	25
County societies, donations for.....	144	320
Farmers' institutes, maintenance of, appropriation for.....	302	602
Interstate Fair Association, charter of.....	68	83
Interstate Fair Society, annual appropriation for distribution by.....	354	696
New York and New England Agricultural Society, annual appropriation for.....	354	696
State society, annual appropriation for distribution by.....	354	696
State society, appropriation for.....	144	320
State society, appropriation for.....	302	602
State society, tax on racing associations, distribution of, by.....	166	348
Wayne County Agricultural Society, contract executed by, legalized, etc.....	156	339
Western New York Agricultural Society, annual appropriation for.....	354	696
Agriculture.		
Dairy, promotion of, appropriation for.....	222	414
Promotion of, appropriation for.....	144	320
Promotion of, appropriation for.....	354	696
Albany City.		
Buildings in, construction and alteration of.....	286	588
City charter amended, generally.....	286	523
City charter amended, lands for improvements.....	150	333
Cortland street, closing of portion of.....	28	44
Delaware avenue improvement act amended.....	176	356
Fire department, buildings for, erection of.....	151	335
High school building, repair of, and erection of addition to.....	151	334
Lands for public improvements, taking of, charter amended.....	150	333
Normal college at, appropriation for.....	144	323
Normal college at, appropriation for.....	302	600
Normal college at, appropriation for.....	339	666
Police station-house, erection of.....	151	335
Public building commission, created.....	151	334
Public buildings in, construction of certain.....	151	334
Recorder of, act conferring further judicial powers upon, amended.....	191	377
School buildings, erection of.....	151	334
State armory at, completion of.....	322	655
Street cleaning, charter amended as to.....	286	589
Water-works, payment to, for water for capitol.....	302	601
See, also, "CAPITOL."		
Albany City Water-Works.		
Water for capitol, appropriation for.....	302	601
Albany County.		
Cohoes, bridge, etc., over ravine in, construction of.....	314	643
Cohoes, hospital for, establishment, etc., of.....	260	485
Cohoes, Saratoga street, lands for, acquisition of, etc.....	25	43
Poll clerks and inspectors of election, payment of.....	63	77
West Troy, bridge over canal at Nineteenth street, construction of.....	239	457
West Troy, street paving commission act amended.....	61	76
See, also, "ALBANY CITY."		
Albany Insurance Company, Albany, N. Y.		
Directors and vice-presidents, increase of number of.....	98	116
Allens.		
Paupers, alien, removal of, appropriation for.....	144	327
Paupers, alien, removal of, appropriation for.....	302	592
Allegany Indian Reservation.		
Agent on, compensation of, appropriation for.....	144	323
Altamont.		
New town created.....		745
Alms-Houses. See "POOR AND POOR-HOUSES."		
American Institute, New York City.		
Appropriation for.....	144	320
American Museum of Natural History.		
Agreement with, for free instruction in natural history, etc.....	49	57

	CHAP.	PAGE.
Andes.		
Associate Reformed Church of, action of trustees of, etc., legalized	244	460
Animals.		
Corporations for improving breeds of, formation of	213	407
Dogs, taxation of	292	569
Driving, etc., of, on towing path and banks of canals, penalty for	846	690
Infectious diseases of, carrying out act as to, appropriation for	302	603
Appraisals.		
Real estate, securities, etc., how appraised in certain cases	84	50
Appropriation Acts.		
Agricultural societies, appropriation for distribution by certain	354	696
Albany, state armory at, completion of	322	655
Annual appropriation act	144	313
Annual supply bill	302	592
Auburn prison, repairs and construction of a building at	55	66
Binghamton State Hospital, sewer from, construction of	338	661
Black creek, improvement of channel of	272	499
Black river, reservoir on, cleaning of flow ground covered by	842	669
Board of claims, awards of, payment of	73	90
Board of claims, awards of, in canal claims, payment of	257	481
Brooklyn, state armory at, erection of	81	96
Brundage, Clara G., payment of balance of salary of husband, to	357	699
Buffalo, local assessment on state property in, payment of	350	692
Canal appraisers, award of, payment of	257	481
Canals, superintendence and maintenance of	129	296
Capitol, continuance of work upon	206	399
Capitol, rooms in, finishing and furnishing	2	2
Cattaraugus creek and tributaries, fishways in dams across	107	268
Clarence, drainage in, means for	272	499
Clinton prison, rebuilding and improvements at	21	39
Colonial statutes, republication of	125	292
Cornell university, income of college land scrip fund, appropriated to	56	67
Court of appeals, second division, salary of messenger	87	100
Court of appeals, second division, purchase of library for	326	636
Court of appeals library, Rochester, purchase of books for	819	652
Dairy agriculture, promotion of	232	414
Denmark, highway in, repair and alteration of	205	399
Education, for promoting extension of opportunities for, to people	303	606
Government, support of, annual act for	144	313
Holley, culvert under canal at, repairing of	221	413
Legislature, contingent expenses of	127	293
Lowville, highway leading from, repairing of damages to	240	458
Medical library donated to state, shelving and furniture for	877	722
Mentz, state ditches in, remedying overflow of	292	519
Moyer creek, restoring and protecting channel of	113	274
Middletown, state armory at, erection of	323	655
Natural history, etc.; free instruction in, to certain institutions	43	57
Normal and training school, Cortland, improvements at	109	271
Normal and training school, Cortland, improvements at	301	591
Racing associations, money paid into treasury by, appropriated	166	338
Rochester, state armory at, repair of	147	332
Rochester state hospital, buildings and lands for, purchase of	325	662
Rochester state hospital, maintenance of	335	664
Senate library, law books and reports for	146	331
Session laws, republication of, from 1802 to 1814 inclusive	872	717
State care of insane, carrying out act for	91	106
State industrial school, improvements at	320	653
Supply bill, annual	302	592
Supply bill of 1890, item for Syracuse armory in, amended	256	481
Syracuse armory, repairs and betterments of	256	481
Syracuse, state armory at, improvements at	76	93
Twenty-fourth separate company, replacing arms, etc., of	324	656
Utica, state armory at, erection of	345	689
See, also, "CANAL APPROPRIATIONS."		
Arbitration.		
State board of, appropriation for	144	327
State board of, appropriation for	302	595

Armories.

	CHAP.	PAGE.
Albany, completion of, appropriation for	322	655
Brooklyn, erection of, reappropriation for	81	96
Buffalo, improvement of, appropriation for	302	594
Kings county, use of armories not used in, by grand army posts, etc.	186	370
Middletown, erection of, appropriation for	323	655
Repairs and betterments of, appropriation for	302	594
Rochester, repairs to, appropriation for	147	332
Syracuse, improvements at, reappropriation for	76	93
Syracuse, repairs and betterments of	256	481
Utica, erection of, appropriation for	345	689

Arsenals.

Repairs and betterments of, appropriation for	302	594
See, also, "ARMORIES"		

Assembly.

Bookstaver investigation, counsel fees, etc., in, appropriation for	302	603
Chamber of, furniture, etc., for, appropriation for	302	601
Chaplains of, appropriation for	302	592
Contests for seats of certain members of, expenses in, appropriation for ...	302	603
Speaker of, mileage and expenses of, as commissioner of land office.	144	318
See, also, "LEGISLATURE" and "CLERK OF ASSEMBLY."		

Assessments.

Buffalo, assessment-roll for paving Clinton street, holding of	14	27
Buffalo, assessment-roll for paving Sycamore street, holding of	13	27
Buffalo, assessment-roll for paving Tonawanda street, division of	23	40
Public lands, assessments of, appropriation for	144	318
State property, Buffalo, for local improvements on, appropriation for	350	692
State property, for local improvements on, appropriation for	302	593

Assessors.

State assessors, compensation and expenses of, appropriation for	144	318
--	-----	-----

Assignees.

Estates in hands of, appraisal of	34	50
---	----	----

Associations. See "CORPORATIONS."**Astor Library.**

Investment of funds of corporation, charter amended	96	115
---	----	-----

Asylum for Insane Criminals, Auburn.

Maintenance and repairs of, appropriation for	144	323
Resident officers, salaries of, appropriation for	144	323
Transportation of convicts to, appropriation for	144	321

Asylum for Insane Criminals, Matteawan.

Transportation of inmates from Auburn to, appropriation for	302	597
Work, improvements, etc., at, appropriation for	302	597

Asylums.

Asylum for Idiots, name changed	51	64
Asylum for Insane Criminals, Auburn, appropriation for	144	323
Asylum for Insane Criminals, Matteawan, appropriation for	302	597
Brooklyn, ruptured and crippled persons, support of, in	179	358
Custodial Asylum for Feeble-Minded Women, appropriation for	144	326
Custodial Asylum for Feeble-Minded Women, appropriation for	302	597
Monroe County Insane Asylum, conversion of, into State Hospital	335	662
Thomas Asylum for Orphan and Destitute Indian Children	144	326
Thomas Asylum for Orphan and Destitute Indian Children	302	598
See, also, "STATE HOSPITALS" and "INSANE."		

Attorney-General.

Clerical force, employment and salary of	144	315
Clerical force, services of, under board of claims act, payment for	144	315
Clerks and messengers in office of, appropriation for	144	315
Costs, fees of sheriffs, witnesses, etc., appropriation for	144	315
Counsel employed by, payment of, appropriation for	302	593
Counsel employed by, payment of certain, appropriation for	302	594
Counsel employed by, under weekly payment law, appropriation for	302	596
Deputies, expenses and disbursements of, appropriation for	144	315
Deputies, salaries of, appropriation for	144	315
Expenses and disbursements of, appropriation for	144	315
Insurance litigation, expenses of deputies and clerks in	144	318
Medina, releases of rights of way at, approval of, by	296	588
Office expenses, appropriation for	144	315
Postage and stationery for office of, appropriation for	144	318

Attorney-General — Continued.

	CHAP.	PAGE.
Railroad litigation, expenses of deputies and clerks in.....	144	817
Roman Catholic Church, Warsaw, proceedings to escheat lands occupied by.....	252	473
Salaries of clerks, deputies, etc., how fixed, etc.....	144	315
Salary of, appropriation for.....	144	315
Stenographer in office of, appropriation for.....	144	315

Attorneys.

Suspension or removal of, Code amended as to.....	99	116
---	----	-----

Auburn.

Asylum for Insane Criminals at, appropriation for.....	144	323
State prison at, appropriation for.....	55	66
State prison at, appropriation for.....	302	597

Auburn State Prison.

Building with solitary cells, appropriation for.....	55	66
Buildings destroyed or damaged by fire, rebuilding, etc., appropriation for.....	55	66
Prison pond, railing around wall of, spill-way, etc., appropriation for.....	302	597
Water mains, etc., appropriation for.....	302	597

See "STATE PRISONS."

Avenues and Streets in Cities and Villages.

Albany, Cortland street, closing of portion of.....	28	44
Albany, Delaware avenue improvement act, amended.....	176	356
Brooklyn, certain streets in, improvement of.....	177	357
Brooklyn, Chester street, boundaries, etc., of, established.....	121	239
Buffalo, Clinton street, assessment-roll for paving, holding of.....	14	27
Buffalo, Sycamore street, assessment-roll for paving, holding of.....	18	27
Buffalo, Tonawanda street, assessment-roll for paving, division of.....	22	40
Cohoes, Saratoga street, improvement of, acquisition of lands for, etc.....	25	42
Flatbush, certain streets in, improvement of.....	177	357
Long Island City, avenues in, improvement of certain, act amended.....	239	423
New Utrecht, streets and places in, lighting of.....	59	73
Troy, public streets, may set aside city land for.....	180	297
Troy, Rensselaer street, extension of.....	235	439
West Troy, street paving commission act amended.....	61	78
Villages, lighting of streets in, contracts for.....	189	310

See, also, "HIGHWAYS."

B**Babylon.**

Boundary line between, and Islip, established.....		743
--	--	-----

Baldwinsville.

Soldiers' monument in, tax for payment of, legalized.....	187	371
---	-----	-----

Ballot Clerks.

Appointment of.....	296	577
Duties of.....	296	580

Ballot Reform Law.

Secrecy of ballot, act to enforce, etc., amended.....	296	572
---	-----	-----

Banking Department.

Clerk hire in, appropriation for.....	144	317
Department expenses, repayment of.....	144	317
Loan and building associations, foreign co-operative, expenses under act.....	144	317
Mortgage companies, expenses under act as to, appropriation for.....	144	317
Office expenses, appropriation for.....	144	317
Savings banks, dormant accounts in, expenses under act as to.....	144	317
Superintendent of, salary of, appropriation for.....	144	317

Banks, Banking and Trust Companies.

Banking department expenses, repayment of, by.....	144	317
--	-----	-----

Batavia.

Institution for Blind at, appropriation for.....	144	325
--	-----	-----

Bath-on-the-Hudson.

Village charter revised.....	305	608
------------------------------	-----	-----

Bath, Steuben County.

Soldiers and Sailors' Home at, appropriation for.....	144	324
Soldiers and Sailors' Home at, appropriation for.....	302	599

Benevolent, Charitable, etc., Societies. See "CORPORATIONS."**Binding. See "PRINTING AND BINDING."****Binghamton, City of.**

City charter amended.....	117	284
---------------------------	-----	-----

	CHAP.	PAGE.
Binghamton, City of—Continued.		
Sewer from State Hospital in, appropriation for portion of.....	333	661
Supreme court library at, act relative to, amended.....	329	653
Supreme court law library at, appropriation for.....	303	602
Binghamton State Hospital.		
Buildings for state care of insane, appropriation for.....	91	106
Improvements at, appropriation for.....	302	599
Officers of, salaries of, appropriation for.....	144	326
Sewer from premises of, payment for portion of.....	333	661
Binghamton, Town of.		
Division of.....		746
Bissell, Herbert P.		
Claim of, against state, hearing and audit of.....	124	291
Black Creek.		
Channel of, improvement of.....	272	499
Black River.		
Reservoir on, above Forestport, clearing of flow ground covered by.....	342	669
Black River Canal.		
Improvement of.....	143	313
	See, also, "CANALS."	
Black Rock Harbor.		
Dredging of, appropriation for.....	302	600
Blind.		
Institution for, at Batavia, appropriation for.....	144	325
Institution for, in New York city, appropriation for.....	144	325
Institution for, in New York city, release of property to.....	86	100
Board for Establishment of State Insane Asylum Districts, etc.		
Buildings at state hospitals, apportionment of appropriation for, by....	91	106
Boarding-Houses.		
Imitation butter, cheese, etc., use of, in, prohibited....	140	310
Board of Charities. See "STATE BOARD OF CHARITIES."		
Board of Claims.		
Awards of, appropriation for.....	73	90
Awards of, in canal claims, appropriation for.....	257	481
Bissell, Herbert P., to hear claim of.....	124	291
Commissioners, salaries and expenses of, appropriation for.....	144	315
Contingent fund, appropriation for.....	144	316
Clerk, salary and expenses of, appropriation for.....	144	315
Davies, Julien T., to hear claim of.....	123	291
Deputy clerk, salary of, appropriation for..	144	316
Deputy clerk, salary of, fixed.....	379	724
Johnson, James G., to hear claim of.....	126	293
Marshal, salary and expenses of, appropriation for.....	144	315
Nichols and Loomis, to hear claim of ..	337	666
Stenographer, salary and expenses of, appropriation for..	144	315
Stenographer, salary of, deficiency in, appropriation for.....	302	595
Board of Mediation and Arbitration.		
Appropriation for.....	144	327
Appropriation for.....	302	595
Board of Pilot Commissioners.		
Expenses of, appropriation for.....	144	327
Boards of Education.		
Gloversville, city charter amended as to.....	18	31
New York city, lectures for workingmen and women, to provide for.....	71	86
New York city, remains in old burying ground, may remove, etc.....	137	308
	See, also, "SCHOOLS."	
Boards of Health.		
Gravesend, sale of unused sewer property by.....	75	92
	See, also, "STATE BOARD OF HEALTH."	
Boards of Medical Examiners.		
Act establishing, amended.....	311	640
Boards of Registry. See "ELECTION LAWS."		
Boards of Supervisors. See "SUPERVISORS."		
Boat Inspectors. See "INSPECTORS OF CANAL BOATS."		
Bonds and Mortgages. See, also, "MORTGAGES."		
Corporations for guaranteeing, act for organization of, amended....	80	95
Statements showing amounts due on, act requiring filing of, repealed.....	155	339
United States deposit fund commissioners, interest on mortgages held by..	181	364

Bonds of Counties, Towns, Cities and Villages.

	CHAP.	PAGE.
Albany, Delaware avenue improvement bonds, issue of.....	176	856
Albany, public buildings in, issue of bonds for.....	151	886
Brooklyn, bridge improvements, issue of bonds for.....	138	294
Brooklyn, museums of art and science bonds, issue of.....	89	108
Brooklyn, park purchase bonds, issue of.....	246	463
Brooklyn, school building bonds, issue of.....	269	497
Brooklyn, soldiers and sailors' monument bonds, issue of.....	358	695
Brooklyn, twenty-sixth and adjacent wards sewer bonds, issue of.....	72	87
Buffalo, park bonds, issue of.....	870	714
Buffalo, school lots and buildings, issue of bonds for.....	243	459
Chemung county, railroad bonds sinking fund, investment of.....	178	858
Cohoes, bridge or viaduct in, issue of bonds for.....	314	644
County debts, issue of bonds for.....	289	567
Galen, bonds for certain claims against, issue of.....	157	840
Goshen, judgments against, certain, issue of bonds for.....	19	36
Gravesend, Bensonhurst park, issue of bonds for.....	861	705
Greenbush, improvement bonds, issue of.....	198	878
Hornellsville, park bonds, issue of.....	308	686
Hornellsville, sewerage system, issue of bonds for.....	195	383
Lansingburgh, water supply, issue of bonds for.....	81	48
Long Island City, street improvement bonds, issue of.....	229	422
New Utrecht, Bensonhurst park, issue of bonds for.....	861	705
New York city, botanical garden and museum, issue of bonds for.....	285	528
New York city, bridge improvements, issue of bonds for.....	128	294
New York city, school-house bonds, issue of.....	264	490
Oswego county, floating indebtedness of, issue of bonds for.....	33	49
Schenectady, sewer bonds, issue of.....	152	337
Schenectady, water loan, issue of bonds for.....	188	372
Town bonds, expenditure of surplus moneys for redeeming.....	164	346
Ulster county, indebtedness of, to towns, issue of bonds for.....	16	29
Utica, bridge over canal at Genesee street, issue of bonds for.....	341	669
Utica, change of channel of river at, issue of bonds for.....	98	111
Utica, engine-house in twelfth ward, issue of bonds for.....	86	51
Utica, viaduct over Ballou's creek, issue of bonds for.....	828	657
Watertown, public improvement bonds, issue of.....	180	364
West Troy, street paving bonds, issue of.....	61	76
Yonkers, election expenses, issue of bonds for.....	220	413

Books, Journals and Documents.

Transportation of, appropriation for.....	144	324
---	-----	-----

Borck, Frederick.

Contract between, and Wayne Agricultural Society, legalized.....	156	839
--	-----	-----

Boundaries of Counties and Towns

Altamont, boundaries of new town of.....		745
Binghamton, division of town of.....		746
Dickinson, boundaries of new town of.....		746
Elko, boundaries of new town of.....		744
Islip and Babylon, boundary line between, established.....		743
South Valley, division of town of.....		744
South Valley, division of town of, relative to.....	41	56
Waverly, division of town of.....		745

Boundary Lines of State.

Monument for, replacing, etc., appropriation for.....	302	594
---	-----	-----

Boxes.

Transportation of books and documents, boxes for.....	144	324
---	-----	-----

Brady, Katharine Lydig.

Payment of sum equal to remainder of salary of J. A. Brady to.....	168	851
--	-----	-----

Bridges and Bridge Companies.

Cohoes, over ravine in, construction of.....	314	642
Highway bridges over canals, construction, etc., of, act amended.....	366	711
Little Falls, bridge across Mohawk river in, construction of.....	349	692
Lordville and Equinunk Bridge Company, relative to.....	158	338
Newtown creek, drawbridge over, construction of.....	290	567
New York and Brooklyn bridge, act in relation to.....	128	293
New York and Brooklyn bridge, act in relation to, amended.....	248	466
New York and Brooklyn bridge, free foot-path upon.....	332	661
North Tonawanda, across canal and creek at, construction of.....	82	97
Pelham, City Island bridge act amended.....	60	74

Bridges and Bridge Companies.—Continued.

	CHAP.	PAGE.
Poughkeepsie Bridge Company, charter amended.....	198	386
Rochester, over canal at Rowe street, removal and construction of.....	188	309
Rome, over canal at Depeyster street, sidewalk for.....	241	458
Schenectady, over canal at Church street, erection of, etc.....	77	93
Shandaken, across Esopus creek in, payment for.....	297	587
Tonawanda, across canal and creek at, construction of.....	82	97
Utica, over canal at Genesee street, erection of, etc.....	341	668
Utica, over canal at Schuyler street, erection of, etc.....	69	85
West Troy, over canal at Nineteenth street, construction of.....	239	457
Whirlpool Bridge Company, charter of.....	189	378

Brockport.

Culverts under Erie canal in, enlargement of.....	238	456
State normal and training school at, appropriation for.....	144	328
State normal and training school at, appropriation for.....	302	599

Brookhaven.

School district number six of, acts of special meeting of, legalized.....	1	1
---	---	---

Brooklyn.

Asylums, etc., support of ruptured and crippled persons in.....	179	358
Board of elections, ballots, preparation and distribution of, by.....	296	580
Board of elections, voting booths, ballot-boxes, etc., to provide.....	296	580
Board of health, charter amended as to.....	245	461
Boiler inspections, city charter amended as to.....	118	286
Brooklyn institute of arts and sciences, lease of buildings to.....	89	102
Center street, boundaries, lines and location of, established.....	121	289
Charitable institutions, support of ruptured and crippled persons in.....	179	358
City charter amended.....	118	286
City charter amended.....	133	300
City charter amended.....	236	441
City charter amended.....	245	461
City charter amended.....	247	464
City charter amended.....	270	498
Commissioner of jurors, Code amended as to.....	89	101
Common school teachers in, free instruction for.....	43	57
Contracts for cleaning streets and removing ashes, charter amended.....	247	464
Department of city works, charter amended as to.....	183	300
Department of health, charter amended as to.....	270	498
Eastern parkway, extension and improvement of.....	177	367
Election law of, amended.....	236	441
Employment agencies in, keeping of, regulated.....	185	369
Hospitals for infectious diseases, erection and management of.....	245	461
Intelligence offices in, keeping of, regulated.....	185	369
Museum buildings on park lands, erection and lease of.....	89	102
New York and Brooklyn bridge, free foot-path upon.....	332	661
New York and Brooklyn bridge, improvement of terminal facilities of.....	128	293
New York and Brooklyn bridge, improvement of terminal facilities of.....	248	466
North Twelfth street main sewer, extension of.....	45	58
Parks, acquisition of land for, and providing for payment thereof.....	246	468
Pier line along East river in, establishment of.....	299	588
Plumbers, licensing of, to make water-pipe connections.....	183	300
Police justices, appointment of additional.....	295	571
Ruptured and crippled persons, support of, in institutions in.....	179	358
St. Mary's Female Hospital, act transferring power, etc., of, amended.....	79	95
School buildings, erection of, and means therefor.....	269	497
Sewers and drains in twenty-sixth and adjacent wards, act amended.....	72	87
Soldiers and sailors' monument in, means for completion of.....	353	695
State armory at, reappropriation for erection of.....	81	98
Streets in, extension, widening, etc., of certain.....	177	367
Tenement and lodging-houses, defined.....	270	498
Training school for teachers, instruction in natural history, etc., for.....	43	57
Trial jurors in, selection of, etc., Code amended as to.....	88	101
Twenty-sixth and adjacent wards, drain and sewer act amended.....	72	87
Twenty-sixth ward, Chester street in, boundaries of.....	121	289
Union Ferry Company, increase of tolls and fares, act to prevent.....	373	717

Brooklyn Institute of Arts and Sciences.

Lease of museum buildings on park lands to.....	89	102
---	----	-----

Broome County.

Binghamton, city charter amended.....	117	284
Binghamton, division of town of.....		746

See, also, "BINGHAMTON STATE HOSPITAL."

	CHAP.	PAGE.
Brundage, Clara G.		
Salary of G. H. Brundage, payment of balance of, to	357	699
Buffalo.		
Bird Island pier, improvement of, appropriation for	302	600
Black Rock harbor, dredging of	302	600
City charter revised	105	127
Circle and streets approaching, paving of, acts as to, legalized.	148	332
Clinton street, holding of, assessment-roll for paving, etc	14	27
Le Couteulx St. Mary's Institution for Deaf-Mutes at	144	325
Masonic Hall Association, charter amended	6	21
Merchants' Exchange, charter amended	9	24
Merchants' Exchange, charter amended	278	518
Normal and training school at, appropriation for	144	328
Normal and training school at, appropriation for	302	600
Park bonds, issue of additional	370	714
Reynolds, Amelia E., audit of damages suffered by, act repealed.	42	56
School lots and buildings, issue of bonds for	242	459
State armory at, improvement of, appropriation for	302	594
State hospital at, appropriation for	91	106
State hospital at, appropriation for	144	327
State hospital at, appropriation for	302	598
State property in, local assessment against, payment of certain	350	692
Street and health inspectors, proceedings in appointment of, legalized.	26	43
Sycamore street, holding of assessment-roll for paving, etc	13	27
Tonawanda street, division of assessment-roll for paving, etc	22	40
See, also, "ERIE COUNTY."		
Buffalo Merchants' Exchange.		
Charter amended	9	24
Charter amended	278	518
Buffalo State Hospital.		
Buildings for state care of insane at, appropriation for	91	106
Improvements at, appropriation for	302	598
Officers of, salaries of, appropriation for	144	327
Building Associations.		
Foreign co-operative, repayment of banking department expenses by	144	318
Bulkhead and Pier Lines. See "DOCKS."		
Bureau of Canal Affairs.		
Clerk hire in, appropriation for	129	296
Bureau of Labor Statistics.		
Clerk of commissioner, salary of, appropriation for	144	323
Commissioner, salary and expenses of, appropriation for	144	323
Bureau of Military Records.		
Expenses of, appropriation for	144	380
Burnett, Col. Ward B.		
Monument in memory of, erection of	62	176
Burying Grounds. See "CEMETERIES."		
Business Corporations.		
Statement of business corporations organized in 1890		758
Butter.		
Imitation, use of, as food, etc., for guests, boarders, etc., prohibited	140	310

C

Canal Appraisers.		
Award of, appropriation for payment of certain	257	481
Canal Appropriation Acts.		
Bird Island pier, improvement of	302	600
Black creek, channel of, improvement of	272	499
Black river canal, improvement of	143	313
Black Rock harbor, dredging of	302	600
Board of claims, awards in canal claims, payment of	257	481
Canal debt, interest and principal, payment of	49	63
Canal debt, interest and principal, payment of	50	63
Champlain canal, Glens Falls feeder of, walls of, repairing, etc	271	499
Chemung canal, Corning, slope wall in, completion of	300	590
Erie canal, Adams basin, culvert at, rebuilding of	319	652
Erie canal, Brockport, culverts under canal in, enlargement of	288	456
Erie canal, Medina, West street sewer under, enlargement of	298	587
Erie canal, Mentz, state ditches in, remedying overflow of	282	519

Canal Appropriation Acts—Continued.

	CHAP.	PAGE.
Erie canal, North Tonawanda, bridge at, construction of	88	97
Erie canal, Rochester, bridge at Rowe street, removal and erection of	188	309
Erie canal, Rome, sidewalk to bridge at Depuyster street, building of	241	458
Erie canal, Schenectady, bridge at Church street, removal and erection of	77	98
Erie canal, Tonawanda, bridge at, construction of	83	97
Erie canal, Utica, bridge at Schuyler street, removal and erection of	69	85
Erie canal, Utica, bridge at Genesee street, removal and erection of	341	668
Erie canal, West Troy, bridge at Nineteenth street, construction of	289	457
Glens Falls feeder, walls, building and repairing	371	499
Holly, culvert under old canal in, repairing of	231	413
Moyer creek, restoring and protecting channel of	113	274
Ordinary repairs of canals, appropriation for	129	296
Oswego canal, wall between, and river, rebuilding of	236	417
Reservoir on Black river above Freeport, clearing of flow ground of	343	669
Shinnecock and Peconic canal, completion of	303	600
Superintendence and maintenance of canals	129	296

Canal Bridges.

North Tonawanda, over Erie canal at Main street, construction of	88	97
Rochester, over Erie canal at Rowe street, construction of	188	309
Rome, bridge over Erie canal at Depeyster street, sidewalk for	241	458
Schenectady, over Erie canal at Church street, removal and erection of	77	98
Street and road bridges, construction of, over canals	366	711
Tonawanda, over Erie canal at Delaware street, construction of	83	97
Utica, over Erie canal at Schuyler street, removal and erection of	69	85
Utica, over Erie canal at Genesee street, removal and erection of	341	668
West Troy, over Erie canal at Nineteenth street, construction of	289	457

Canal Collectors.

Salaries, etc., of, appropriation for	129	297
---	-----	-----

Canal Debt.

Interest on, and principal, appropriation for	49	63
Sinking fund, investment of surplus moneys of, in tax	129	297
State tax of one-eighth of a mill to sinking fund, for payment of	50	63

See, also, "SINKING FUND."

Canal Fund.

Appropriation from	50	63
Appropriation from	49	63
Investment of money of, in tax, for canal purposes	129	297
State tax of one-eighth of a mill for	50	63
State tax of twenty-two one-hundredths of a mill for	129	296
State tax of three one-hundredths of a mill for	389	742

Canal Superintendents.

Section superintendents, salaries of, appropriation for	129	296
---	-----	-----

Canals.

Black river canal, improvement of	143	313
Bureau of canal affairs, clerk hire for	129	296
Canal claims, awards in, payment for	257	481
Chemung, slope wall in Corning, completion of	300	590
Collectors and compilers of statistics, compensation for	129	297
Engineers upon ordinary repairs, salaries of, appropriation for	129	297
Expenses of, incidental and miscellaneous, appropriation for	129	297
Highway bridges over, construction, etc., of, act amended	366	711
Inspectors of boats, etc., compensation for	129	297
Lock-tending, payment of, appropriation for	129	297
Ordinary repairs of, appropriation for	129	297
Oswego canal, wall at Oswego, rebuilding of	236	417
Protection and maintenance of, regulations, etc., concerning	346	690
Section superintendents, salaries of, appropriation for	129	296
Shinnecock and Peconic, completion of channel of	303	600
State tax of one-eighth of a mill for canal debt	50	63
State tax of twenty-two one-hundredths of a mill, for canal fund	129	296
State tax of three one-hundredths of a mill for canal fund	389	742
Towing-path and banks of, driving of horses, etc., upon, penalty for	346	690
Towing-path and banks of, use of, for passage to and from highways	346	690

See, also, "ERIE CANAL," "CHAMPLAIN CANAL" and "CANAL BRIDGES."

Canastota.

Loan commissioner, compensation of, railroad bonding act amended	190	376
--	-----	-----

Candidates for Public Offices.

Nominations of, how made	296	573
--------------------------------	-----	-----

	CHAP.	PAGE.
Canvass, Official.		
Publication of, appropriation for.....	144	821
Capitol.		
Commissioner of, salary of, appropriation for.....	144	821
Court yard, repairs of, appropriation for.....	302	601
Executive chamber and departments, furniture, etc., appropriation for....	302	601
Rooms in, finishing and furnishing, appropriation for.....	2	2
Senate and assembly chambers, furniture, etc., for, appropriation for....	302	601
Steam boilers, drainage of engine-room, etc., appropriation for.....	302	601
Supervising commissioners of, appointment and duties of.....	206	400
Water filters in, appropriation for.....	302	601
Water for, payment for.....	302	601
Work upon, continuance of, appropriation for.....	206	399
See, also, "PUBLIC BUILDINGS."		
Castorland.		
Highway leading from, repair and alteration of certain.....	205	399
Catskill Deer Park.		
Maintenance of, and improvements at, appropriation for.....	302	595
Cattaraugus County.		
County clerk, office of, salaried, and management of, regulated.....	281	517
Elko, town created.....		744
South Valley, division of.....		744
South Valley, division of, relative to.....	41	56
Cattaraugus Creek and Tributaries.		
Fishways in dam across, construction of.....	107	268
Cattaraugus Indian Reservation.		
Agent on, compensation for.....	144	822
Highways on, repairs of, appropriation for.....	302	600
Cayuga County.		
Mentz, state ditches in, remedying overflow of.....	282	519
Moravia, village charter amended.....	348	670
See, also, "AUBURN."		
Cayuga Indians.		
Annuities to, payment of, appropriation for.....	144	322
Cazenovia.		
Loan commissioners, compensation of, railroad bonding act amended.....	190	376
Cemeteries.		
Churchville, trustees of, village trustees to act as.....	304	606
Earlville Cemetery Association, relative to.....	386	740
Kensico cemetery, relief of.....	182	365
Mount Hope, Rochester, monument to fire victims in, erection of.....	274	500
New York city, old burying-ground in, removal of remains from.....	187	308
Perinton Centre Burial-Ground Association, conveyance of land to.....	40	55
Plots in, transfer of, when free from interments.....	844	688
Rural cemetery associations, incorporation of, act amended.....	882	737
Central New York Institution for Deaf-Mutes, Rome.		
Support and instruction of pupils in, appropriation for.....	144	325
Champlain Canal.		
Glens Falls feeder, walls on, building and repairing.....	271	499
See, also, "CANALS."		
Change of Names. See "NAMES CHANGED."		
Charitable Corporations. See "CORPORATIONS."		
Chautauqua County.		
Dunkirk, city charter amended.....	282	427
Fredonia, normal and training school at, appropriation for.....	144	328
Fredonia, village charter amended.....	84	98
Mayville, charter amended.....	818	642
Chattel Mortgages.		
Mortgages executed by telegraph, etc., companies, need not be filed as.....	171	358
Cheese.		
Imitation, use of, as food, etc., for boarders, guests, etc., prohibited.....	140	311
Chemung Canal.		
Corning, slope wall in, completion of.....	300	590
See, also, "CANALS."		
Chemung County.		
Elmira, buildings in, plumbing, drainage and ventilation of... ..	82	48
Elmira, city charter amended.....	165	347
Elmira, plumbers in, registration of.....	82	48

Chemung County — Continued.

	CHAP.	PAGE.
Interstate Fair Association, annual appropriation for.....	354	626
Interstate Fair Association, charter of.....	68	53
Railroad bonds sinking fund, investment of, act amended.....	178	358

See, also, "STATE REFORMATORY."

Chief of Ordnance.

Albany, armory at, completion of, appropriation for.....	323	655
Brooklyn, state armory at, erection of, reappropriation for.....	81	96
Middletown, armory at, erection of, appropriation for.....	323	655
Syracuse, state armory at, improvements at, reappropriation for.....	76	93
Utica, state armory at, erection of, appropriation for.....	345	639

See, also, "ARMORIES."

Children.

Commitment of certain, to house of refuge, N. Y., and industrial school....	216	410
Syracuse State Institution for Feeble-Minded Children.....	51	64
Syracuse State Institution for Feeble-Minded Children.....	144	326
Syracuse State Institution for Feeble-Minded Children.....	302	599

See, also, "INFANTS."

Chili.

Sewer drain and ditch in, construction of.....	114	275
--	-----	-----

Chittenango.

Roman Catholic Religious Society of, relief of.....	97	115
---	----	-----

Church Insurance Association.

Charter of.....	134	300
-----------------	-----	-----

Churches.

Associate Reformed Church of Andes, action of trustees of, etc., legalized...	244	460
Roman Catholic Church, Warsaw, act for relief of.....	252	472
St. Patrick's Church, Chittenango, act for relief of.....	97	115
Temple Beth El, release of, from taxes.....	88	98

See, also, "RELIGIOUS SOCIETIES."

Churchville.

Trustees of cemetery, village trustees to act as.....	304	606
---	-----	-----

Cities, Except Brooklyn and New York:

Albany, city charter amended.....	286	523
Albany, city charter amended.....	150	333
Albany, Cortland street, closing of portion of.....	28	44
Albany, Delaware avenue improvement act, amended.....	176	356
Albany, public buildings in, construction of certain.....	151	334
Albany, recorder of, judicial powers conferred upon.....	191	377
Binghamton, city charter amended.....	117	264
Buffalo, assessment-roll for paving Sycamore street, holding of, etc.....	13	27
Buffalo, assessment-roll for paving Clinton street, holding of, etc.....	14	27
Buffalo, assessment-roll for paving Tonawanda street, division of, etc.....	22	40
Buffalo, city charter revised.....	105	127
Buffalo, damages by extension of avenue, audit of certain, act repealed....	42	65
Buffalo, park bonds, issue of.....	370	714
Buffalo, paving "Circle," etc., acts as to, legalized.....	143	333
Buffalo, school lots and buildings, bonds for.....	242	459
Buffalo, street and health inspectors, appointment of, legalized.....	26	43
City clerks, duties of, in municipal elections.....	296	536
Cohoes, bridge or viaduct in, construction of.....	814	642
Cohoes, hospital for, establishment of, etc.....	260	485
Cohoes, Saratoga street, acquisition of lands for.....	25	42
Dunkirk, city charter amended.....	232	427
Elmira, buildings in, plumbing, drainage and ventilation of.....	82	48
Elmira, city charter amended.....	165	347
Elmira, plumbers in, registration of.....	32	48
Gloversville, city charter amended.....	18	81
Hornellsville, city charter amended.....	380	724
Hornellsville, public park for.....	303	634
Hornellsville, system of sewerage for, construction of, etc.....	195	381
Hudson, board of street commissioners for.....	276	505
Inspectors of election, election and appointment of.....	7	22
Kingston, city charter amended.....	20	37
Kingston, city charter amended.....	250	467
Liens for work or materials under contracts with, act amended....	255	478
Long Island City, avenues and boulevard in, improvements of.....	329	423
Middletown, city charter amended.....	122	289

Cities, except Brooklyn and New York — Continued.

	CHAP.	PAGE.
Oswego, city charter amended.....	185	305
Oswego, fire department of	863	707
Police matrons in, act providing for, amended	90	103
Poughkeepsie, real estate owned by, sale and conveyance of certain	258	482
Rapid transit railways in cities over one million, provision for.....	4	3
Rochester, city charter amended	184	367
Rochester park, boulevard, construction, etc., of.....	317	649
Rochester, tax for school buildings in	318	652
Schenectady, fire department act amended	203	397
Schenectady, police act amended.....	199	387
Schenectady, sewer act amended.....	152	337
Schenectady, water supply act amended.....	188	371
Syracuse, city charter amended.....	15	28
Syracuse, city charter amended.....	288	556
Syracuse, city charter amended.....	376	720
Troy, city charter amended.....	200	388
Troy, city land for public street, may set aside.....	130	297
Troy, official newspaper, designation of, etc., legalized	225	416
Troy, Rensselaer street, extension of	235	439
Utica, city charter amended.....	92	107
Utica, city charter amended.....	224	415
Utica, engine-house in twelfth ward, money for.....	36	51
Utica, Mohawk river, changing of channel of.....	98	108
Utica, viaduct over Ballou's creek in, bond for.....	328	657
Watertown, board of public works, established.....	180	359
Yonkers, election expenses, issue of bonds for.....	220	413

Civil Service Commission.

Chief examiner, salary, etc., appropriation for.....	144	323
Commissioners, salaries and expenses of, appropriation for... ..	144	323
Local examinations, appropriation for.....	144	323
Office expenses of, appropriation for.....	144	323
Secretary, stenographer, etc., salaries, etc., appropriation for.....	144	323

Claims.

Bissell, Herbert P., claim of, board of claims to hear.....	124	291
Board of claims, awards of, appropriation for	73	90
Board of claims, awards of, in canal claims, appropriation for	257	481
Davies, Julien T., claims of, board of claims to hear	123	291
Dittenhoefer, A. J., claim of, against N. Y. city, examination and payment of,	273	500
Dismore & Co., S. P., claim of, against N. Y. city, audit of, act amended....	291	568
Johnson, James G., claim of, board of claims to hear	126	292
Nichols and Loomis, claim of, board of claims to hear	337	666
Sanford, Elliot, claim of, against N. Y. city, examination and payment of,	273	500

Clarence.

Drainage in, appropriation for.....	272	499
-------------------------------------	-----	-----

Clergymen.

Assembly and senate, chaplains of, appropriation for	302	592
--	-----	-----

Clerk of Assembly.

Advances to, for contingent expenses, appropriation for	127	293
Advances to, for contingent expenses, appropriation for	144	321
Chaplains of assembly, payment of, by.....	302	592
Indexing of journals, etc., compensation for... ..	144	321

See, also, "ASSEMBLY" and "LEGISLATURE."

Clerk of Court of Appeals.

Clerks in office of, salaries of, appropriation for.....	144	314
Deputy, salary of, appropriation for.....	144	314
File boxes for use in office of, appropriation for.....	302	603
Messenger, salary of, appropriation for.....	144	314
Office expenses, appropriation for.....	144	314
Postage and stationery for office of, appropriation for.....	144	319
Salary of, appropriation for.....	144	314

Clerk of Senate.

Advances to, for contingent expenses, appropriation for.....	127	293
Advances to, for contingent expenses, appropriation for.....	144	321
Appointees of, act amended.....	67	82
Chaplains of senate, payment of, by.....	302	592
Indexing of journals, etc., compensation for.....	144	321

See, also, "SENATE" and "LEGISLATURE."

Clerk's and Croswell's Manuals.

	CHAP.	PAGE.
Appropriation for.....	144	321
Clinton County.		
Plattsburgh, normal and training school at, appropriation for.....	144	328
Plattsburgh, normal and training school at, appropriation for	302	599
Clinton State Prison.		
Bath-house, erection of, appropriation for.....	21	39
Buildings, etc., destroyed by fire, rebuilding, etc., appropriation for.....	21	39
Machinery, tools, etc., appropriation for.....	302	596
Resident physician, reimbursement of, appropriation for.....	302	596
Temporary buildings at, erection of, appropriation for.....	302	596
See, also, "STATE PRISONS."		

Cobleskill.

Village charter amended.....	237	453
------------------------------	-----	-----

Code of Civil Procedure, Amended.

Actions, abatement and continuance of, §§ 755, 757.....	284	523
Actions, limitations of, § 408.....	70	86
Actions of partition, distribution of unclaimed proceeds in, § 1533, etc.....	365	709
Actions of partition, presumption of death of unknown heirs in, § 841.....	364	709
Attorneys, suspension or removal of, § 87.....	99	116
Claim to real property, action to compel determination of art. 5, chap. 14..	210	403
Commissioner of jurors, Kings county, relating to, § 1181, etc.....	88	101
Committee of incompetent person, appointment of, §§ 2325, 2327.....	263	488
Costs, additional security for, § 3276.....	161	345
Costs, security for, in certain cases, §§ 469, 8263.....	170	352
Courts of record, adjournment of terms of, to another place, § 41.....	159	342
Evidence, by physicians, etc., § 836.....	381	736
Executions, exemption of property of householder from, § 1390.....	112	274
Executor, etc., of deceased executor, guardian, etc., accounting by, § 2006,	175	355
Jurors, challenge of, in civil actions, § 1176.....	169	351
Justices' clerks, New York city, designation, etc., of court attendants as, § 93,	3	3
Marine court New York city, clerk, deputy clerks and assistants, § 328....	154	338
Poor person, leave to prosecute as, §§ 458, 459.....	170	352
Referees, fees of, § 3297.....	132	299
Stenographers, fees of, § 3311.....	356	698
Supreme court, New York city, attendants and interpreter, for § 93.....	3	3
Sureties, qualification of, § 1335.....	369	713
Testamentary guardians, judicial settlement of accounts of, § 2656.....	197	335
Trial by jury, order for, § 970.....	208	402
Trial jurors in Kings county, selection of, etc., §§ 1131, 1146, etc.....	88	101
Wills, citation of persons upon petition for probate of, § 2615.....	174	354

Cohoes.

Bridge or viaduct over ravine in, construction of	814	642
Hospital for, establishment and maintenance of.....	260	435
Saratoga street, lands for improvement of, acquisition of, act amended....	25	42

Collateral Inheritances.

Act to tax, in certain cases, amended	215	409
---	-----	-----

College Land Scrip Fund.

Appropriation to Cornell university from.....	56	67
---	----	----

College of Physicians and Surgeons, New York City.

Union of, with Columbia college.....	101	117
--------------------------------------	-----	-----

Colleges and Universities.

College of Physicians, etc., N. Y. city, union of, with Columbia college....	101	117
Cornell university, appropriation for.....	56	67
Cornell university, appropriation for.....	144	329
Cornell university, state scholarships in, examinations for.....	144	317
De Veaux College for Orphan and Destitute Children.....	158	341

Colonial Statutes.

Republication of	125	292
------------------------	-----	-----

Colored Persons.

Discrimination against, by life insurance companies, prohibited.....	119	268
--	-----	-----

Columbia College.

Union of College of Physicians and Surgeons with.....	101	117
---	-----	-----

Columbia County.

Germantown, roads of certain width in, act relative to, repealed.....	95	114
Hudson, board of street commissioners for.....	276	505
Sheriff, office of, relative to.....	266	493

See, also, "HUDSON."

Commissioner of Labor Statistics. See "BUREAU OF LABOR STATISTICS."	CHAP.	PAGE
Commissioner of New Capitol.		
Rooms in capitol, finishing and furnishing.....	2	2
Salary of, appropriation for.....	144	321
Supervising commissioner of capitol.....	306	400
See, also, "NEW CAPITOL."		
Commissioners, Excise. See "EXCISE COMMISSIONERS."		
Commissioners for Loaning United States Moneys. See "UNITED STATES DEPOSIT FUND."		
Commissioners in Lunacy. See "STATE COMMISSION IN LUNACY."		
Commissioners of Canal Fund.		
Sinking fund, etc., investment of surplus moneys of, in tax, by	129	297
Commissioners of Common Schools. See "SCHOOL COMMISSIONERS."		
Commissioners of Fisheries.		
Clerk of, salary of, appropriation for	144	323
Replenishing waters with fish by, appropriation for	144	323
Shell-fish tracts, mapping and surveying, appropriation for.....	144	323
Commissioners of Highways. See "HIGHWAY COMMISSIONERS."		
Commissioners of Land Office.		
Lands, expenses of, appropriation for.....	144	329
Public lands, assessments and expenses of, appropriation for.....	144	318
Speaker of assembly, mileage, etc., of, appropriation for.....	144	318
Commissioners of Quarantine. See "QUARANTINE COMMISSIONERS."		
Commissioners of Statutory Revision.		
Colonial statutes, republication of, by.....	125	292
Common Schools. See "SCHOOLS."		
Common School Fund. See "SCHOOL FUND."		
Comptroller, State.		
Board of electrical control, New York city, assessment of expenses of, by..	802	608
Bureau of canal affairs, clerk hire, appropriation for.....	129	296
Charitable institutions, etc., reports, inventories, etc., of, to.....	302	605
Clerks in office of, salaries of, appropriation for.....	144	316
Clerks in office of, services and expenses of, for board of electrical control..	302	603
Commissioners in certain tax matters, appointment of, etc.....	211	406
Corporation tax clerks, compensation for.....	302	593
Cornell university, warrants for, payment of certain moneys to, by	56	67
Counsel employed by, compensation of, etc., appropriation for.....	302	593
Deputy, salary of, appropriation for.....	144	316
Failures of land titles, repayments for.....	144	324
Judgments for costs against people, payment of, appropriation for.....	302	598
Lands, refunding surplus moneys upon resales of.....	144	329
Legislature, contingent expenses of, advances for.....	144	321
Legislature, contingent expenses of, advances for	127	298
Messenger in office of, appropriation for.	144	316
Moneys erroneously paid for taxes, repayment of.....	144	324
Moneys paid into treasury erroneously, repayment of.....	144	324
National guard, statement of expenditures of, to be filed with.....	144	322
Niagara reservation bonds, redemption of, appropriation for.....	302	592
Non-resident road taxes, payment of, to commissioners.....	144	323
Non-resident taxes, collection of, etc., act relating to, amended.....	217	411
Office expenses, appropriation for.....	144	316
Postage and stationery for office of, appropriation for.....	144	318
Public administrator, repayment of moneys paid into treasury by.....	302	593
Quarterly accounts by certain boards, to be rendered to.....	302	604
Redemption of lands sold for taxes, repayments to purchasers.....	144	324
Redemption of lands sold for taxes, refunding money for.....	144	329
Salary of, appropriation for.....	144	316
State lands, assessments and expenses of, appropriation for.....	144	318
State lands, expenses of, appropriation for.....	144	329
State lands, expenses of, and protection of, from trespass.....	302	593
State property, assessments for local improvements on, appropriation for....	302	593
Supply bill, audit by, of certain amounts appropriated.....	302	592
Tax sales, cancellation of, etc., commissioners to take proof, etc., in.....	311	406
Concurrent Resolutions.		
Constitution, proposing amendment to, as to court of appeals.....		749
Constitution, proposing amendment to, as to Onondaga salt springs.....		749

Concurrent Resolutions — Continued.

	CHAP.	PAGE.
Constitution, proposing amendment to, as to powers of legislature.....		748
Direct tax levied by congress of United States, return of.....		748

Constitution.

Amendments to, submission of, to electors, etc.....	296	574
Court of appeals, proposed amendment as to.....		749
Houses of legislature, proposed amendment as to.....		748
Onondaga salt springs, proposed amendment as to.....		749

Conveyances.

Acknowledgments of, by persons out of state, act amended.....	100	117
Cemetery plots, transfer of, when free from interments.....	344	688
Kensico cemetery, conveyance of lands to, authorized.....	183	365
Perinton, conveyance of certain lands by, authorized.....	40	55
Wayne Agricultural Society, conveyance of land by, legalized.....	156	339

Convicts.

Discharged, maintenance of state agency for, appropriation for.....	144	321
Maintenance of certain, in penitentiaries, appropriation for.....	144	321
Transportation of, payments to sheriffs for.....	144	321

See, also, "CRIMINALS."

Cooperstown.

Orphan House and Industrial School of Holy Saviour, charter amended....	340	667
---	-----	-----

Cornell University.

Appropriation for.....	144	329
College land scrip fund, income of, appropriated to.....	56	67
Moneys from United States land grants, payment of, to.....	56	67
State meteorological bureau and weather service at, appropriation for.....	302	602
State scholarships at, examinations for, appropriation for.....	144	317

Corning.

Slope-wall on canal in, completion of.....	300	590
--	-----	-----

Corporations.

Agricultural and horticultural societies, act for formation of, amended....	10	25
Agricultural Insurance Company, Watertown, charter amended.....	145	331
Albany, city charter amended.....	150	333
Albany, city charter amended.....	286	525
Albany Insurance Company, directors and vice-presidents of.....	98	116
Animals, domestic, corporations for improving breeds of, formation of.....	213	467
Appraisal of property of.....	34	50
Associate Reformed Church of Andes, acts of, legalized.....	244	460
Astor library, charter amended.....	96	115
Bath-on-the-Hudson, village charter revised.....	305	606
Binghamton, city charter amended.....	117	284
Bonds and mortgages, corporations for guaranteeing, act amended.....	80	95
Brooklyn, city charter amended.....	118	296
Brooklyn, city charter amended.....	133	300
Brooklyn, city charter amended.....	236	441
Brooklyn, city charter amended.....	245	461
Brooklyn, city charter amended.....	247	464
Brooklyn, city charter amended.....	270	498
Brooklyn Institute of Arts and Sciences, lease of buildings to.....	89	102
Buffalo, city charter revised.....	105	127
Buffalo Merchants' Exchange, charter amended.....	9	24
Buffalo Merchants' Exchange, charter amended.....	278	513
Business corporations, statement of, organized in 1890.....		758
Change of names, general act authorizing, amended.....	38	58
Christian associations, young women, incorporation of.....	167	349
Church Insurance Association, charter of.....	134	300
Cobleskill, village charter amended.....	237	452
College of Physicians and Surgeons, union of, with Columbia college.....	100	117
Cortland, village charter amended.....	94	113
Delhi Water Company, charter amended.....	265	491
De Veaux College for Orphan and Destitute Children, charter amended....	158	341
Directors of stock corporations, increase or reduction of number of.....	57	68
Domestic animals, corporations for improving breeds of, formation of.....	218	467
Dunkirk, city charter amended.....	233	427
Earlville Cemetery Association, charter of.....	386	740
Electric-light companies, mortgages by, filing of, as chattel mortgages....	171	353
Elevated railways in cities, abandonment of portion of routes of.....	294	570
Elmira, city charter amended.....	165	347
Fairport, village charter amended.....	48	61

Corporations—Continued.

	CHAP.	PAGE.
Fire and marine insurance companies, taxation of	218	411
Flushing, village charter amended	110	271
Fredonia, village charter amended	84	98
Geneseo, village charter amended	66	81
Geneva, village charter amended	233	438
Gloversville, city charter amended	18	31
Greenbush, village charter amended	104	120
Guarantee companies, bond and mortgage and real estate, act amended	80	95
Herkimer, Newport and Poland Narrow Gauge Railway Company	78	94
Home for Incurables, New York city, property released to	88	100
Homer, village charter amended	24	41
Hornellsville, city charter amended	380	724
Improved Order of Red Men, tribes of, enabled to hold, etc., property	65	79
Insurance companies, fire and marine, taxation of	218	411
Interstate Fair Association, charter of	68	83
Ithaca Water-Works Company, charter amended	102	118
Johnstown, village charter amended	136	306
Kensico cemetery, act for relief of	182	365
Kingston, city charter amended	20	37
Kingston, city charter amended	250	467
Knights of Pythias, Grand Lodge of, charter amended	307	634
Little Falls, village charter amended	52	64
Lordville and Equinunk Bridge Company, relative to	153	338
Masonic Hall Association, Buffalo, charter amended	6	21
Mechanics and Traders' Exchange, New York city, charter amended	162	345
Mechanicville, village charter, revised	106	244
Methodist Episcopal Church Home, New York city, property released to	88	100
Middletown, city charter amended	122	289
Moravia, village charter amended	343	670
Mortgage guarantee companies, act for organization of, amended	80	95
Mount Morris, village charter amended	17	30
Names of, general act authorizing change of, amended	38	53
Newtown, fire department of, charter amended	283	520
New York Botanical Garden, charter of	285	523
New York, city charter amended	39	53
New York, city charter amended	204	397
New York, city charter amended	351	693
New York, city charter amended	359	700
New York, city charter amended	378	723
New York, city charter amended	388	741
New York Institution for Blind, property released to	88	100
New York Society for Relief of Ruptured, etc., property released to	88	100
Niagara County Irrigation and Water Supply Company, charter of	259	433
Niagara Falls Power Company, concerning and amending charter of	233	472
Oneonta, village charter amended	331	660
Oswego, city charter amended	135	305
Oswego fire department, charter amended	263	707
Peekskill Iron Molders' Association, charter amended	266	492
Poughkeepsie Bridge Company, charter amended	198	386
Railroad companies, street, corporate existence, etc., of certain, continued	267	557
Railroads, change of gauge of, and increase of indebtedness therefor	267	492
Railroads, general act relating to, amended	362	706
Railroads, general act relating to, amended	367	712
Railroads, tunnels of, lighting and ventilation of	360	701
Railways, elevated, in cities, abandonment of portion of route of	294	570
Railways, rapid transit, in cities over one million, organization of	4	10
Real estate of, appraisal of	34	50
Red Men, Improved Order of, tribes of, enabled to hold, etc., property	65	79
Rochester Athenæum, charter amended	367	740
Rochester, city charter amended	184	367
Roman Catholic Church, Warsaw, act for relief of	252	472
Rural cemetery associations, act for incorporation of, amended	362	737
St. Mary's Female Hospital, Brooklyn, act relative to, amended	79	95
St. Patrick's Church, Chittenango, relief of	97	115
Scaffolding, etc., for use of employes, furnishing of improper, by	214	408
Schenectady, firemen of, charter amended	203	397
Sheltering Arms, New York city, property released to	88	100
Society for Relief of Destitute Blind, New York city, property released to	88	100

Corporations — Continued.

	CHAP.	PAGE.
Stock corporations, directors of, increase or reduction of number of.....	57	68
Street railroad companies, corporate existence, etc., of certain, continued...	267	557
Syracuse, city charter amended.....	15	28
Syracuse, city charter amended.....	288	558
Syracuse, city charter amended.....	376	720
Telegraph companies, mortgages by, filing of, as chattel mortgages.....	171	353
Telephone companies, mortgages by, filing of, as chattel mortgages.....	171	353
Title guarantee companies, act for organization of, amended.....	80	95
Troy, city charter amended.....	200	388
Trust companies, organization of, general act for, amended.....	374	717
Union Ferry Company, Brooklyn, increase of tolls, etc., prohibited.....	378	717
United Life and Accident Insurance Association, name changed.....	44	57
United Presbyterian Church of Andes, acts of, confirmed.....	244	460
United States Mortgage Company, charter amended.....	27	43
Utica, city charter amended.....	92	107
Utica, city charter amended.....	224	415
Villages, construction of sewers in, general act for, amended.....	306	633
Villages, construction of sewers in, general act for, amended.....	316	646
Villages, electric street lighting, contracts with companies for.....	312	641
Village incorporation act, amended.....	116	284
Village incorporation act, amended.....	160	342
Village incorporation act, amended.....	189	310
Volunteer firemen associations, exemption of property of, from taxes.....	163	346
Warwick, village charter amended.....	227	417
Warwick, village charter amended.....	228	420
Waterloo, village charter amended.....	12	26
Watervliet Turnpike and Railroad Company, relative to.....	298	569
Wayne County Agricultural Society, contract by, legalized.....	156	339
Wellsville, Condorsport and Pine Creek Railroad Company.....	87	53
Whirlpool Bridge Company, charter of.....	189	373
Young women's christian associations, incorporation of.....	167	349
Cortland.		
State normal and training school at, appropriation for.....	109	271
State normal and training school at, appropriation for.....	144	328
State normal and training school at, appropriation for.....	301	501
Village charter amended.....	94	113
Cortland County.		
Homer, village charter amended.....	24	41
Costs.		
Security for, additional, Code amended.....	161	345
Security for, in certain cases, Code amended.....	170	352
Counties.		
Debts, funding of, powers of board of supervisors as to.....	289	567
Liens for work or materials under contracts with.....	255	478
County Clerks.		
Agricultural societies, certificates of extension of existence of, filed with....	10	25
Ballots, delivery of, by, to town and city clerks.....	296	577
Ballots, providing and printing, duty of, as to.....	296	575
Bonds and mortgages, filing of statements with, as to, act repealed.....	155	339
Cattaraugus county, office of, salaried, and management of, regulated.....	281	517
Corporations for improving breeds of animals, certificates of, filed with....	213	407
Deeds, etc., acknowledged out of state, requirements for record of.....	100	117
Erie county, clerk's office act, amended.....	149	363
Madison county, office of, salaried, and management of, regulated.....	64	77
Mortgages by telegraph, etc., companies, not filed as chattel mortgages....	171	353
Nominations for public offices, publication of list of, by.....	296	573
Poor-houses, canvass of votes for change of sites of, etc., by.....	5	20
Stock corporations, increase or reduction of directors of, filed with.....	57	68
Villages map and petition for incorporation of certain, filed with.....	116	284
Young women's christian associations, certificates of, filed with.....	167	349
County Buildings.		
Changing site of, act providing for, amended.....	5	19
Changing site of, section five of act providing for, repealed.....	347	691
County Courts. See "COURTS."		
County Judges.		
Suffolk county, salary of, fixed.....	855	698
County Treasurers.		
Chemung county, investment of railroad bonds sinking fund by.....	178	358

County Treasurers — Continued.

	CHAP.	PAGE.
Non-resident taxes, advances to, on account of, appropriation for.....	144	828
State school tax, fees of, for disbursing, appropriation for.....	302	604
State taxes, adjusting accounts of, with, appropriation for.....	144	828

Court of Appeals.

Clerk of, salary of, appropriation for	144	814
Constitutional amendment as to.....		749
Criers and attendants, appropriation for.....	144	814
Criers and attendants, second division, appropriation for.....	144	814
Danforth, George F., late associate judge of, appropriation for	302	594
Deputy clerk of, salary of, appropriation for	144	814
Judges, salaries and expenses of, appropriation for.....	144	814
Judges, second division, salaries and expenses of, appropriation for.....	144	814
Library for second division, purchase of	326	656
Messenger, second division, appointment of, etc	87	100
Messenger, second division, salary of, appropriation for.....	302	602
Remittitur clerk, second division, salary of, appropriation for..	144	814
Reports, supplying other states with, appropriation for	144	827
Reports, supplying other states with, appropriation for.....	302	594
State reporter, salary and clerk hire of, appropriation for.....	144	814

See, also, "CLERK OF COURT OF APPEALS."

Courts.

Actions, abatement and continuance of, Code amended.....	264	522
Actions, limitations of, Code amended	70	86
Actions to compel determination of claims to real property, Code amended,	210	408
Committee of incompetent person, appointment of, Code amended.....	268	488
Costs, security for, additional, Code amended.....	161	345
Costs, security for, in certain cases, Code amended.....	170	352
Courts of record, adjournment of terms of, to another place.....	159	343
Jurors, challenge of, in civil actions, Code amended	169	351
New York city, district courts in, consolidation act amended as to.....	378	728
New York city, marine court, clerk, deputy clerk and assistants of.....	154	338
New York city, supreme court in, attendants and interpreter for.....	8	2
Partition, actions in, presumption of death of unknown heirs in.....	364	709
Partition, actions in, distribution of unclaimed proceeds of sale in	365	709
Poor person, leave to prosecute as, Code amended.....	170	352
Sureties, justification of, Code amended.....	369	713
Trial by jury, order for, Code amended	208	402
Trial jurors in Kings county, selection of, etc., Code amended.....	88	100

See, also, "COURT OF APPEALS," "SUPREME" and "SURROGATE'S COURTS" and "CODES."

Creeks.

Black, channel of, improvement of	272	499
Cattaraugus, fishways in dams across, construction of.....	107	268
Encroachment of, upon highways, prevention of	212	406
Moyer, channel of, restoring and protecting.....	113	274
Newtown, drawbridge over, construction of, act amended	290	567

Criers and Attendants, Court of Appeals.

Compensation for	144	814
Compensation for, second division	144	814

Criminals.

Apprehension of, appropriation for.....	144	814
---	-----	-----

Custodial Asylum for Feeble-Minded Women, Newark.

Expenses, maintenance and repairs of, appropriation for.....	144	826
Improvements at, appropriation for.....	302	597

D

Dairy Agriculture.

Promotion of, appropriation for.....	222	414
--------------------------------------	-----	-----

Dairy Commissioner.

Experts, etc., employment of, appropriation for	302	595
Salaries and expenses in prosecuting work, appropriation for.....	144	820
Salary of, appropriation for.....	144	820

Dairy Products.

Sale of, act to prevent deception in, amended.....	140	310
--	-----	-----

Danforth, George F.

Compensation for, appropriation for	302	594
---	-----	-----

	CHAP.	PAGE.
Davies, Julien T.		
Claims of, against state.....	123	291
Deaf and Dumb.		
Central New York Institution for Deaf-Mutes, support of pupils in.....	144	325
Deaf-Mutes Journal, supplying to, appropriation for.....	302	602
Institute for Deaf and Dumb, New York city, support of pupils in.....	144	324
Institution for Improved Instruction of Deaf-Mutes, support of pupils in...	144	324
Institutions, payments to, how made.....	144	325
Le Couteux St. Mary's Institution for Deaf-Mutes, support of pupils in....	144	325
Northern New York Institution for Deaf-Mutes, support of pupils in.....	144	325
Northern New York Institution for Deaf-Mutes, appropriation for.....	302	603
St. Joseph's Institution for Deaf-Mutes, support of pupils in.....	144	325
Western New York Institution for Deaf-Mutes, support of pupils in.....	144	325
Deaf-Mutes Journal.		
Deaf and dumb persons, appropriation for supplying, with.....	302	602
Decedents.		
Estates of, appraisal of.....	34	50
Deeds.		
Acknowledgments of, by persons out of state, act amended.....	100	117
See, also, "CONVEYANCES."		
Deerfield.		
Mohawk river at, change of channel of.....	93	108
Deer River.		
Public highway for passage of forest products.....	384	739
Delaware County.		
Andes, Associate Reformed Church of, action of trustees of, etc., legalized..	244	460
Delhi Water Company, charter amended.....	265	491
Lordville and Equinunk Bridge Company, relative to.....	153	338
Delhi Water Company.		
Charter amended.....	265	491
Denmark.		
Highway from Casterland to bridge over Black river, repairing, etc., of....	205	399
Department of Public Instruction.		
Arbor day, expenses relating to observance of, appropriation for.....	302	595
Clerks in office of, salaries of, appropriation for.....	144	316
College graduates, certificates, expense of printing, appropriation for....	144	317
Commissioners' certificates, examinations for, appropriation for.....	144	317
Cornell university, state scholarship examinations, appropriation for.....	144	317
Deputy superintendent of, salary of, appropriation for.....	144	316
Indian schools, support of, appropriation for.....	144	329
Office expenses, appropriation for.....	144	317
Postage and stationery for, appropriation for.....	144	318
School laws, printing and binding, appropriation for.....	302	595
School registers, printing and binding, appropriation for.....	144	328
Superintendent of, salary of, appropriation for.....	144	316
Teachers' classes in academies and schools, appropriation for.....	144	329
Teachers' classes in academies and schools, appropriation for.....	144	328
Teachers' examinations, expenses of holding, appropriation for.....	144	317
Teachers' examinations, expenses of holding, appropriation for.....	144	328
Teachers' institutes, maintenance of, appropriation for.....	144	328
Traveling expenses, appropriation for.....	144	317
Trustees' reports, printing, etc., of, appropriation for.....	144	328
See, also, "PUBLIC INSTRUCTION" and "SUPERINTENDENT OF, ETC."		
De Veaux College for Orphan and Destitute Children.		
Charter amended.....	158	341
Dickinson.		
New town created.....		746
Directors.		
Stock corporations, increase or reduction of number of.....	57	69
Discharged Convicts.		
State agency for maintenance of, etc., appropriation for.....	144	321
Diseases.		
Animals, infectious and contagious disease act, appropriation for.....	302	602
Dismore & Co., S. P.		
Claim of, against New York city, audit of, act amended.....	291	568
Disorderly Conduct.		
On public conveyances, Penal Code relating to, amended.....	327	657
District Attorneys.		
Kings county, additional assistant, appointment, etc., of.....	338	666
Railroad tunnel lighting and ventilation act, duties of, under.....	360	702

	CHAP.	PAGE.
Dittenhoefer, A. J.		
Claim of, audit of, by board of estimate N. Y. city.....	278	500
Services and disbursements of, as counsel, appropriation for	302	601
Docks, Wharves and Piers.		
East river, pier line along, in Brooklyn, establishment of.....	399	588
New York city, oyster boats, etc., wharfage and permits for moorage of....	359	700
Dogs.		
Taxation of.....	292	569
Drainage.		
Agricultural lands, act to encourage and facilitate.....	310	689
See, also, "SEWERAGE."		
Dunkirk.		
City charter amended.....	232	427
Dunlap, W. Barlow.		
Expenses incurred by, in election contest, appropriation for.....	302	608
Dutchess County.		
Fishkill Landing, tax for village debt, authorized.....	207	401
Poughkeepsie, real estate owned by, conveyance of certain.....	258	482
See, also, "POUGHKEEPSIE" and "MATTEAWAN."		
Dwyer, J. F.		
Expenses incurred by, in election contest, appropriation for.....	302	608

E

Earlville Cemetery Association.		
Corporate powers, etc., of.....	386	740
East River.		
Pier line along, in Eastern District of Brooklyn..	299	588
Education.		
Opportunities for, extension of, to people.....	303	606
Elections and Election Laws.		
Albany county, poll clerks and inspectors, payment of.....	63	77
Ballot clerks, appointment of, etc.....	296	577
Ballot reform law amended.....	296	572
Ballots, secrecy of, act to promote, amended.....	296	572
Ballots, printing and distribution of, at public expense, act amended.....	296	572
Boards of registry, duties of, general act amended.....	336	664
Brooklyn, election law of city of, amended.....	236	441
Canvass of votes at.....	296	583
Constitutional amendments, submission of, to voters at.....	296	574
Election districts, alteration of.....	296	578
General election amended.....	7	22
Halfmoon, town election law, amended.....	196	385
Inspectors in cities and towns, election and appointment of, act amended....	7	22
Johnstown, town election law, amended.....	8	23
Kingston, city elections, charter amended as to	20	37
Municipal elections, nominations for office to be filled at, where filed.....	296	572
Municipal elections, printing and furnishing of ballots for.....	296	586
Nominations of candidates for offices to be filled by voters at.	296	572
Poll clerks, appointment of, act amended.....	7	22
Registry of voters, general act for, amended....	336	664
Town elections, application of ballot reform act to.....	296	585
Village elections, application of ballot reform act to.....	296	585
Village water commissioners, elections for	74	91
Yonkers, expenses of elections in, issue of bonds for	220	413
See, also, "TOWN MEETINGS."		
Electrical Subways.		
Board of electrical control, New York city, services and expenses of.....	302	603
Board of electrical control, New York city, repayment of expenses of.....	302	603
Board of electrical control, New York city, term of office of	383	738
New York city, contracts for work of constructing, etc., division of.....	231	427
Electric Light Companies.		
Board of electrical control New York city, repayment of expenses of, etc... 302	302	603
Mortgages by, filing of, as chattel mortgages, not necessary.....	171	353
Villages, contracts with, for lighting streets, etc.....	312	641
Elevated Railways.		
Routes of, abandonment of portions of, in cities.....	294	570
See, also, "RAILROADS."		

	CHAP.	PAGE.
Elko.		
Town erected		744
Elmira.		
Buildings in, plumbing, drainage and ventilation of.....	33	48
Cemetery commissioners and cemeteries, charter amended as to.....	165	347
City charter amended.....	165	347
Interstate Fair Association, annual appropriation for.....	354	696
Interstate Fair Association, charter of.....	68	58
Plumbers in, registration of.....	33	48
State reformatory at, appropriation for.....	144	323
State reformatory at, confinement of delinquents in.....	375	719
Employers and Employees.		
Scaffolding, etc., for use of employes, furnishing of improper, etc.....	214	408
See, also, "MECHANICS."		
Employment Agencies.		
Brooklyn, keeping of, regulated.....	185	369
New York city, keeping of, regulated	330	659
Engineers on State Canals. See "STATE ENGINEER."		
Engraving for State. See "PRINTING AND BINDING."		
Ericsson, John.		
Monument in memory of, erection of, by New York city	251	471
Erie Canal.		
Adams Basin, culvert under, rebuilding of.....	319	653
Brockport, culverts under canal in, enlargement of.....	233	456
Medina, West street sewer under canal, enlargement of, etc.....	298	587
Mentz, state ditches along, at, remedying overflow of.....	232	519
North Tonawanda, bridge at Main street, construction of.....	82	97
Rochester, bridge at Rowe street, removal and erection of.....	138	309
Rome, abandoned old canal at, materials for improvement of, sale of, etc. .	23	41
Rome, bridge at Depeyster street, sidewalk for.....	241	458
Schenectady, bridge at Church street, removal and erection of.....	77	93
Tonawanda, bridge at Delaware street, construction of ..	82	97
Utica, bridge at Schuyler street, removal and erection of.....	69	85
Utica, bridge at Genesee street, removal and erection of.....	341	668
West Troy, bridge at Nineteenth street, construction of.....	239	457
See, also, "CANALS."		
Erie County.		
Black creek, channel of, improvement of	272	499
Black Rock harbor, dredging of, appropriation for.....	303	600
Cattaraugus reservation, highways on, repairs of.....	302	600
County clerk, office of, salaried, etc., act making, amended.....	149	333
Clarence, drainage in, appropriation for.....	273	499
Sheriff, office of, salaried, and management of, regulated.....	106	268
Tonawanda, bridge over canal and creek at, construction of.....	82	97
See, also, "BUFFALO."		
Escheats.		
Charitable institutions in New York city, property released to certain.....	86	100
Roman Catholic Church, Warsaw, proceedings to escheat lands occupied by.	252	472
Turner, Benton, lands in North Elba released to.....	202	396
Essex County.		
North Elba, lands in, released to Benton Turner.....	202	396
Estates.		
Decedents and others. appraisal of ..	34	50
Infants', Revised Statutes relating to, amended.....	172	353
Infants', Revised Statutes relating to, amended.....	173	354
Evidence.		
Code of Civil Procedure, amended as to.....	381	736
Deeds, etc., acknowledged out of state, when evidence.....	100	117
Executions.		
Exemption of property of householders from, Code amended	112	274
Executive Department.		
Clerks and messenger in, compensation for	144	313
Criminals, apprehension of, appropriation for.....	144	314
Fugitives from justice, apprehension of, appropriation for.....	144	314
Military secretary, compensation for.....	144	313
Office expenses, appropriation for.....	144	313
Pardons, etc., expenses in applications for, appropriation for.....	144	314

Executive Department — Continued.

	CHAP.	PAGE.
Private secretary, compensation for	144	318
Stenographer, compensation for.....	144	318
See, also, "GOVERNOR."		

Executive Mansion.

Repairs and incidental expenses of, appropriation for.....	144	314
--	-----	-----

Executors.

Actions against, limitations of.....	70	86
Decedents' estates, appraisal of.....	84	50
Deceased executor, accounting by executor of.....	175	355

Express Charges.

Public documents, appropriation for transporting.....	144	324
---	-----	-----

F**Factory Inspectors.**

Clerk hire and office expenses, appropriation for.....	302	596
Counsel for enforcement of weekly payment law, appropriation for.....	302	596
Salaries and expenses of, appropriation for.....	144	327
Women inspectors, salaries and expenses of, appropriation for.....	302	596

Fairport.

Village charter amended.....	48	61
------------------------------	----	----

Farmers' Institutes.

Maintenance of, appropriation for.....	302	601
--	-----	-----

Farm Products.

Negotiable instruments for speculative consideration for, execution, etc., of.....	262	498
--	-----	-----

Fences.

Railroads, fences along, construction of.....	367	712
---	-----	-----

Fenner.

Loan commissioners, compensation of, railroad bonding act amended.....	190	376
--	-----	-----

Fire Companies and Departments.

Albany, buildings for fire department, erection of.....	151	335
Flatbush, Volunteer Firemen's Association of, insurance tax for.....	111	273
New York city, water front for fire department.....	46	59
Newtown, fire department of, charter amended.....	283	520
Oswego fire department, charter amended.....	303	707
Schenectady, firemen of, act to incorporate, amended.....	203	397
Town fire companies, and purchase of engines and apparatus for.....	254	477
Utica, engine-house in, erection of, may borrow money for.....	36	51
Volunteer firemen associations, exemption of property of, from taxes.....	163	346

Fire Insurance Companies.

Agricultural Ins. Co., Watertown, charter amended.....	145	331
Fire and marine insurance companies, taxation of, act amended.....	218	411

See, also, "Insurance."

Fish and Fishing.

Chief game and fish protector, expenses of office of, appropriation for.....	302	603
Fish protectors, compensation and expenses of, appropriation for.....	144	323

Fisheries, Commissioners of.

Clerk of, salary of, appropriation for.....	144	323
Replenishing waters with fish by, appropriation for.....	144	323
Shell-fish tracts, expenses as to, appropriation for.....	144	323

Fishkill Landing.

Debt for street improvement, etc., tax for	207	401
--	-----	-----

Fishways.

Cattaraugus creek and tributaries, in dams across.....	107	268
--	-----	-----

Flatbush.

Buffalo avenue, improvement of.....	177	357
Tax on receipts of foreign insurance companies in, application of.....	111	273

Flint, Harriet.

Release of state's interest in property of, to certain institutions.....	86	99
--	----	----

Flushing.

Village charter, amended.....	110	271
-------------------------------	-----	-----

Fordham.

St. Joseph's Institution for Deaf-Mutes at, appropriation for.....	144	325
--	-----	-----

Forest Commission.

Attorneys and witnesses' fees, appropriation for.....	144	320
Catskill deer park, maintenance of, etc., appropriation for.....	302	595
Clerk of, salary of, appropriation for.....	144	320
Commissioners, expenses of, appropriation for.....	144	320

Forest Commission — Continued.

	CHAP.	PAGE.
Fires, prevention of, appropriation for.....	144	320
Forest guards, salaries and expenses of, appropriation for.....	144	320
Inquiry by assembly, expenses incurred by, in, payment of.....	302	505
Inspectors, salaries and expenses of, appropriation for.....	144	320
Maintenance of work of, appropriation for.....	144	320
Office expenses of, appropriation for.....	144	320
Salaries of employes, how fixed, etc.....	144	320
Secretary of, salary and expenses of, appropriation for.....	144	320
Wardens, salaries and expenses of, appropriation for.....	144	320

Forest Fires.

Prevention of, appropriation for....	144	320
--------------------------------------	-----	-----

Forest Guards.

Salaries and expenses of, appropriation for....	144	320
---	-----	-----

Forest Port.

Reservoir on Black river above, clearing of flow ground of.....	342	669
---	-----	-----

Frankfort.

Moyer creek in, restoring and protecting channel of.....	118	274
--	-----	-----

Franklin County.

Altamont, new town created.....		745
Malone, Northern New York Institution for Deaf-Mutes at, appropriation for, 144		325
Malone, Northern New York Institution for Deaf-Mutes at, appropriation for, 302		603
Waverly, division of town of.....		745

Fredonia.

State normal and training school at, appropriation for.....	144	328
Village taxes, charter amended as to.....	84	98

Free School Fund.

Appropriation from.....	144	328
Appropriation from.....	302	604
State tax of one mill for.....	889	743

See, also, "SCHOOL FUND."

Free Schools. See "SCHOOLS."**Fugitives from Justice.**

Apprehension of, appropriation for.....	144	314
---	-----	-----

Fulton County.

Gloversville, city charter amended.....	18	31
Johnstown, town election law amended.....	8	23
Johnstown, village charter amended.....	196	306

G**Galen.**

Bonds or certificates for claim of Thos. Reynolds against, issue of.....	157	340
--	-----	-----

Game and Fish Protectors.

Chief protector, office, etc., expenses of, appropriation for.....	302	603
Compensation and expenses of, appropriation for.....	144	328

Gas and Gas-Light Companies.

Inspector of gas-meters, salary of, repayment of, by.....	144	327
---	-----	-----

Gas-Meters, Inspector of.

Salary and expenses of, appropriation for....	144	327
---	-----	-----

Gates.

Sewer, drain and ditch in, construction of.....	114	275
---	-----	-----

General Fund.

Appropriations from.....	144	313
Appropriations from.....	302	593

General Inspector of Rifle Practice.

Rifle range for national guard, act of 1890, providing for, amended....	11	26
---	----	----

Genesee County.

Batavia, institution for blind at, appropriation for.....	144	325
Names changed in, by courts.....	7	53

Geneseo.

State normal and training school at, appropriation for.....	144	328
State normal and training school at, appropriation for.....	302	599
Special village taxes, charter amended as to.....	66	81

Geneva.

Agricultural experiment station at, appropriation for.....	144	320
Agricultural experiment station at, appropriation for.....	302	602
Village clerk, charter amended as to.....	233	438

Geological Hall. See "STATE MUSEUM OF NATURAL HISTORY."

	CHAP.	PAGE.
Germantown.		
Roads of certain width in, act authorizing laying out of, repealed	95	114
Gettysburg, Pa.		
Bronze statue on state monument at, appropriation for	302	596
Commissioners for erecting monuments, etc., at, appropriation for	302	596
Memorial bronze tablet, erection of, at, appropriation for	302	602
Memorial structure to memory of soldiers at, reappropriation for	302	596
Gettysburg, Battlefield Memorial Association.		
Memorial tablet, erection of, by, appropriation for	302	602
Gifts.		
Act to tax, in certain cases, amended	215	409
Glens Falls Feeder.		
Walls on, building and repairing, appropriation for.	271	499
Gloversville.		
Board of education, city charter amended as to	18	81
City charter amended	18	81
Goshen, Town of.		
Overseer of poor, compensation of, act amended	35	50
Goshen, Village of.		
Judgments against, issue of bonds for certain	19	36
Governor.		
Clerks and messenger of, compensation for	144	313
Animals, contagious disease act, appropriation for carrying out	302	602
Criminals, apprehension of, appropriation for	144	314
Executive mansion, repairs and incidental expenses of, appropriation for	144	314
Fugitives from justice, apprehension of, appropriation for	144	314
Military secretary, compensation for	144	313
Office expenses, appropriation for	144	318
Pardons, etc., expenses in applications for, appropriation for	144	314
Postage and stationery for office of, appropriation for	144	318
Private secretary, salary of, appropriation for	144	313
Salary of, appropriation for	144	318
Stenographer of, compensation for	144	318
War claims, expenses of prosecuting, approval of payment of, by	302	594
See, also, "EXECUTIVE DEPARTMENT."		
Grand Army of Republic.		
Armories in Kings county, use of, by committees and posts of	186	370
See, also, "SOLDIERS AND SAILORS."		
Grand Lodge Knights of Pythias.		
Charter amended	307	684
Grass River.		
Floating logs and other timber in, act to regulate, amended	279	514
Gravel.		
For highway purposes, acquisition of	309	638
Gravesend.		
Bensonhurst park, establishment, etc., of, act amended	361	703
Sewer property, sale of certain unused, authorized	75	92
Greenbush.		
Bonds for street improvements, and time of payment of assessments for	193	378
Village charter amended	104	120
Guardians.		
Estates of infants, Revised Statutes relating to, amended	172	353
Estates of infants, Revised Statutes relating to, amended	173	354
Executor, etc., of deceased guardian, accounting by	175	355
Infant plaintiff, guardian for, Code amended	170	352
Testamentary guardians, judicial settlement of accounts of	197	385

H

Half-Moon.		
Inspectors of town elections, town election act amended	196	385
Harbor of New York. See "PORT OF NEW YORK."		
Health, Board of. See "STATE BOARD OF HEALTH."		
Hempstead.		
Free school in district number one in, act establishing, amended	348	691
Herkimer County.		
Herkimer, light and water commissioners, board of, established	58	68
Little Falls, highway commissioners of, proceedings of, ratified	349	692

Herkimer County — Continued.

	CHAP.	PAGE.
Little Falls, town of, bridges across Mohawk river in, construction of.....	349	692
Little Falls, village charter amended.....	52	64
Little Falls, village sewerage act amended.....	53	65
Moyer creek in Frankfort, restoring and protecting channel of.....	113	274
Sheriff, office of, salaried, and management of, regulated.....	47	59

Herkimer, Newport and Poland Narrow Gauge Ry. Co.

Change of gauge and reincorporation of.....	78	94
---	----	----

Herkimer, Village of.

Light and water commissioners, board of, established.....	58	68
---	----	----

Highway Commissioners.

Drainage of lands, supervision of, by.....	810	689
Fire engines and apparatus, purchase of, by.....	254	477
Germantown, act authorizing, to lay out roads a certain width, regulated....	95	114
Gravel for highway purposes, consent of, for acquiring.....	309	638
Little Falls, proceedings of, ratified.....	349	692
Non-resident road taxes, payment of, to, appropriation for.....	144	323
Streams, etc., encroachment of, upon highways, etc., powers of, as to.....	212	406
Suffolk county, fees of, act regulating, repealed.....	85	90

See, also, "HIGHWAYS."

Highways and Roads.

Bridges on, over canals, construction of, act amended.....	366	711
Cattaraugus Indian reservation, repairs of highways on.....	302	600
Denmark, damage to certain highway in, repairing of, etc.....	205	399
Gravel for, acquisition of.....	309	638
Highway law amended as to encroachment of streams, etc.....	212	406
Lowville, highway leading from, repairing of damages to.....	240	458
Onondaga Indian reservation, repair of highways on.....	302	600
Railroad crossings of, obstruction of, penalty for.....	358	699
Repair and improvement of, in certain towns containing parks, act repealed,	192	377
Rivers, floating of logs, etc., act regulating, amended.....	385	739

See, also, "AVENUES AND STREETS."

Holley.

Old canal at, repairing of culvert under, and removal of dams from.....	221	413
---	-----	-----

Home for Incurables, New York City.

State's interest in certain property released to.....	86	100
---	----	-----

Homer.

Village boundaries, charter amended as to.....	24	41
--	----	----

Homeopathic Hospital. See "MIDDLETOWN STATE HOMOEOPATHIC HOSPITAL."**Hook and Ladder Companies. See "FIRE COMPANIES."****Hornellsville.**

City charter amended.....	380	724
Public park for, grounds for, and maintenance of.....	308	634
Sewerage system, construction and maintenance of.....	195	381

Horse Racing Associations.

Moneys paid into treasury by, appropriated.....	166	348
---	-----	-----

Horticultural Societies.

General act for formation of, amended.....	10	25
--	----	----

Hose Companies. See "FIRE COMPANIES."**Hospitals.**

Binghamton State Hospital, appropriation for.....	144	326
Binghamton State Hospital, appropriation for.....	302	599
Binghamton State Hospital, appropriation for.....	333	661
Buffalo State Hospital, appropriation for.....	144	327
Buffalo State Hospital, appropriation for.....	302	598
Brooklyn, hospitals for infectious diseases, erection of, etc.....	245	461
Brooklyn, ruptured and crippled persons, support of, in.....	179	358
Cohoes, hospital for, establishment, etc., of.....	260	485
Hudson River State Hospital, appropriation for.....	144	326
Hudson River State Hospital, appropriation for.....	302	598
Middletown State Homœopathic Hospital, appropriation for.....	144	326
Middletown State Homœopathic Hospital, appropriation for.....	302	597
New York city, Babies' Hospital, annual appropriation for.....	388	741
St. Mary's Female Hospital, act transferring powers, etc., of, amended.....	79	94
St. Lawrence State Hospital, appropriation for.....	144	327
St. Lawrence State Hospital, appropriation for.....	302	598
State hospitals, removal of insane Indians to, etc., appropriation for.....	302	598
State hospitals, removal of insane poor to, appropriation for.....	302	599
Utica State Hospital, appropriation for.....	144	326

Hospitals — Continued.

	CHAP.	PAGE.
Utica State Hospital, appropriation for.....	303	598
Willard State Hospital, appropriation for	303	597
Willard State Hospital, appropriation for	144	326
Woman's Hospital in State of New York, release of lands to.....	249	466

Houses of Refuge.

House of Refuge for Women, Hudson, appropriation for.....	144	327
House of Refuge for Women, Hudson, appropriation for.....	303	597
House of Refuge, Randall's Island, appropriation for.....	144	326
House of Refuge, Randall's Island, commitments to, regulated.....	216	410
Transportation of convicts to, appropriation for	144	321

See, also, STATE INDUSTRIAL SCHOOL."

House of Refuge for Women, Hudson.

Improvements at, appropriation for.....	303	597
Officers and employees, compensation for	144	327
Transportation of convicts to, appropriation for	144	321

Hudson.

Board of street commissioners, providing for, and defining duties of....	276	505
House of Refuge for Women at, appropriation for	144	327
House of Refuge for Women at, appropriation for.....	303	597

Hudson River Bridge Co.

Rent of dock, appropriation for	303	601
---------------------------------------	-----	-----

Hudson River State Hospital.

Buildings for state care of insane at, appropriation for.....	91	106
Improvements at, appropriation for.....	303	598
Officers of, salaries of, appropriation for	144	326

I**Ice Gorges.**

St. Lawrence river, act to prevent, in, amended	194	381
---	-----	-----

Idiots.

Asylum for, name changed.....	51	64
-------------------------------	----	----

See, also, "CUSTODIAL ASYLUM," and "SYRACUSE STATE INSTITUTION FOR FEEBLE-MINDED CHILDREN."

Improved Order of Red Men.

Tribes of, enabled to hold and convey property	65	79
--	----	----

Indians and Indian Reservations.

Cattaraugus reservation, highways on, repairs of	303	600
Cayugas, annuities to, appropriation for.....	144	322
Insane, removal of, to, and maintenance of, in state hospitals.....	303	598
Onondagas, agents of, compensation for.....	144	323
Onondagas, annuities to, appropriation for	144	323
Onondagas, relief of, appropriation for.....	144	322
Onondaga reservation, highways and bridges on, repairs of	303	600
St. Regis, annuities to, appropriation for	144	322
St. Regis, attorney of, compensation for.....	144	323
Schools, support of, appropriation for.....	144	329
Senecas, annuities to, appropriation for.....	144	323
Senecas, attorney of, compensation for.....	144	322
Senecas, attorney and counselor, employment of, by, act authorizing, amended,	233	414
Thomas Asylum for Indian Children, appropriation for	144	326
Thomas Asylum for Indian Children, appropriation for.....	303	598
Tonawanda Senecas, attorney of, compensation for.....	144	322
Youths, support, etc., of, in normal schools, appropriation for.....	303	600

Infants.

Estates of, Revised Statutes relating to, amended.....	173	353
Estates of, Revised Statutes relating to, amended.....	173	354

Inheritance.

Taxation of, in certain cases	215	400
-------------------------------------	-----	-----

Insane and Insane Asylums.

Asylum for Insane Criminals, Auburn, appropriation for.....	144	323
Asylum for Insane Criminals, Matteawan, appropriation for.....	303	597
Binghamton State Hospital, buildings for state care of insane, at.....	94	106
Buffalo State Hospital, buildings for state care of insane at.....	94	106
Buildings for state care of insane, appropriation for.....	91	106
Hudson River State Hospital, buildings for state care of insane at.....	91	106
Indians, removal of, to, and maintenance of, in state hospitals	303	598
Middletown State Hospital, buildings for state care of insane at.....	94	106

	CHAP.	PAGE.
Insane and Insane Asylums — Continued.		
Monroe County, conversion of, into State Hospital.....	335	663
Poor, removal of to state hospitals, appropriation for.....	302	599
State care of insane, appropriation to carry out act.....	91	106
State commission in lunacy, appropriation for.....	144	327
Utica State Hospital, buildings for state care of insane at.....	91	106
See, also, "STATE HOSPITALS."		
Inspector-General.		
Albany, armory at, completion of, appropriation for.....	323	655
Brooklyn, state armory at, erection of, reappropriation for.....	81	96
Middletown, armory at, erection of, appropriation for.....	323	655
Postage and stationery for offices of, appropriation for.....	144	319
Syracuse, state armory at, improvements at, reappropriation for.....	76	93
Utica, state armory at, erection of.....	345	639
Inspectors, Forest.		
Salaries and traveling expenses of, appropriation for.....	144	330
Inspectors of Canal Boats.		
Salaries, etc., of, appropriation for.....	129	297
Inspectors of Elections.		
Albany county, payment of.....	63	77
Ballot clerks, appointment of, by.....	296	577
Canvass of votes by.....	296	583
Election and appointment of, election law amended.....	7	22
Half Moon, inspector of town elections in.....	196	335
Poll clerks, appointment of, by, election law amended.....	7	22
Registry of voters, duties of, under general act for.....	336	664
See, also, "ELECTION LAWS."		
Inspector of Gas-Meters.		
Salary and expenses of, appropriation for.....	144	327
Institute for Deaf and Dumb, New York City.		
Support and instruction of pupils in, appropriation for.....	144	324
Institution for Blind, Batavia.		
Maintenance of inmates of, appropriation for.....	144	325
Repairs at, appropriation for.....	144	325
Institution for Blind, New York City.		
Release of state's interest in property to.....	86	100
Support and instruction of pupils in, appropriation for.....	144	325
Institution for Improved Instruction of Deaf-Mutes, New York City.		
Support and instruction of pupils in, appropriation for.....	144	324
Institution for Reformation of Juvenile Delinquents, Randall's Island.		
Maintenance of inmates of, appropriation for.....	144	326
Instruments in Writing.		
Acknowledgments of, by persons out of state, act amended.....	100	117
Insurance Companies and Associations.		
Agricultural Insurance Company, Watertown, charter amended.....	145	331
Albany Insurance Company, directors and vice-presidents of.....	98	116
Church Insurance Association, charter of.....	184	300
Fire and marine, taxation of, act amended.....	218	411
Flatbush, tax on receipts of foreign insurance companies in.....	111	273
Insurance department, repayment of expenses of, by.....	144	318
Life, discrimination against persons of color by, prohibited.....	119	288
United Life and Accident Insurance Association, name changed.....	44	57
Insurance Department.		
Clerk hire in, appropriation for.....	144	318
Department expenses, repayment of.....	144	318
Deputy superintendent, salary of, appropriation for.....	144	318
Examinations by, additional, appropriation for.....	144	318
Office expenses, appropriation for.....	144	318
Superintendent, salary of, appropriation for.....	144	318
See, also, "SUPERINTENDENT OF INSURANCE," and "INSURANCE."		
Intelligence Offices.		
Brooklyn, keeping of, regulated.....	185	369
New York city, keeping of, regulated.....	330	659
Inter-State Fair Association.		
Annual appropriation for distribution by.....	354	696
Charter of.....	68	83
Islip.		
Boundary line between, and Babylon, established.....		743

Ithaca.

	CHAP.	PAGE.
Cornell university, appropriation for.....	56	67
Cornell university, appropriation for.....	144	329
Cornell university, moneys from United States land grants, payment of, to,	56	67
Cornell university, state scholarships at, examinations for.....	144	317
Cornell university, state meteorological bureau and weather service at ...	302	602
First school commissioner district, exclusion of, from.....	334	632
Water-Works Company, charter of, amended.....	102	118

Ithaca Water-Works Company.

Charter of, amended.....	102	118
--------------------------	-----	-----

J

Jefferson County.

Names changed in, by courts.....		757
Watertown, board of public works, established.....	180	359

Johnson, James G.

Claim of against state, hearing and audit of.....	126	292
---	-----	-----

Johnstown.

Town election law, amended.....	8	28
Village charter amended.....	136	306

Judges of Court of Appeals.

Danforth, George F., appropriation for.....	302	594
Messenger for, second division, appointment of, etc.....	87	100
Messenger for, second division, salary of, appropriation for	302	602
Salaries and expenses of, appropriation for.....	144	314
Salaries and expenses of, second division, appropriation for.....	144	314

See, also, "COURT OF APPEALS."

Juries and Jurors.

Challenge of jurors, in civil actions, Code amended as to.....	169	351
Kings county, trial jurors in, selection of, etc., Code amended as to.....	88	100
New York city, warden of grand jury in, appointment, etc., of.....	352	695
Trial by jury, order for, Code amended as to.....	208	402

Justices of Supreme Court.

Brady, John R., salary of, payment of, to widow.....	168	351
Compensation for certain, appropriation for.....	302	594
First judicial district, justices' clerks and interpreter, appointment of, by..	8	2
Salaries and expenses, appropriation for.....	144	314
Second judicial district, compensation for certain.....	144	314
Young women's christian associations, certificates of, approval of, by....	167	349

See, also, "SUPREME COURT."

Juvenile Delinquents.

Society for Reformation of, New York city, appropriation for.....	144	326
---	-----	-----

See, also, "STATE INDUSTRIAL SCHOOL" and "HOUSE OF REFUGE."

K

Kensico Cemetery.

Act for relief of.....	182	365
------------------------	-----	-----

Kings County.

Armories in, use of certain, by grand army posts and committees.....	186	370
Assistant district attorney, appointment and compensation of.....	338	666
Commissioner of jurors in, Code amended as to.....	88	101
Flatbush, Buffalo avenue in, improvement of.....	177	357
Flatbush, tax on receipt of foreign insurance companies in.....	111	273
Gravesend, unused sewer property, sale of certain....	75	92
Names changed in, by courts.....		751
Newtown creek, draw-bridge over, construction of, act amended.....	290	567
New Utrecht, Bensonhurst park in, establishment, etc., of, act amended....	361	703
New Utrecht, streets and places in, lighting of, act amended.....	59	78
Poor and insane, purchase, etc., of farm and buildings for, act amended....	371	715
Session laws, publication of, in newspapers in.....	141	311
Shore inspector, salary and expenses of, payment of.....	144	328
Surrogate's court, stenographer of, fees of.....	356	698

See, also, "BROOKLYN."

Kingston.

City charter amended.....	20	87
City charter amended.....	250	467
Senate house property at, keeper of, salary of, appropriation for.....	144	328

Knights of Pythias.	CHAP.	PAGE.
Grand Lodge of, charter amended.....	307	634

L

Laborers.		
Liens of, for work on public works under municipal contracts.....	255	478
See, also, "EMPLOYES."		

Labor Statistics.		
Bureau of, appropriation for.....	144	823

Land Office. See "COMMISSIONERS OF LAND OFFICE."		
---	--	--

Lands.		
Agricultural, draining of, act to encourage and facilitate.....	310	639
Appraisal of, in certain cases.....	34	50
Brooklyn, land for public parks, acquisition of, etc.....	246	463
Failure of titles to lands sold by state, repayment for.....	144	324
Kensico cemetery, additional lands for.....	182	365
Mortgage or sale of, by trustees, Revised Statutes amended.....	209	402
Newburgh, lands for government building in, acquisition of, by United States.....	103	119
New York city, release of certain, in, to Women's Hospital.....	249	466
Non-residents, taxes upon, collection of, etc., act amended.....	217	411
North Elba, lands in, released to Benton Turner.....	203	396
Oyster Bay, lands in, act releasing, to F. J. Maynard, repealed.....	368	713
Perinton, conveyance of, to burial ground association, authorized.....	40	55
Poughkeepsie, lands owned by, sale, etc., of certain.....	258	482
Redemption of, sold for taxes, repayments to purchasers.....	144	324
Redemption of, sold for taxes, repayments to purchasers.....	144	329
Resales of, refunding surplus moneys upon, appropriation for.....	144	329
State lands, assessments and expenses of, appropriation for.....	144	318
State lands, assessments for local improvements on, appropriation for.....	302	593
State lands, Buffalo, assessment for local improvements on, payment for....	350	692
State lands, expenses of, appropriation for.....	144	329
State lands, expenses and protection of, from trespass, appropriation for....	302	593
Staten Island, lands for light-house at, acquisition of, by United States.....	183	366
Wayne County Agricultural Society, conveyance of land by, legalized.....	156	339
See, also, "REAL ESTATE."		

Land Scrip Fund.		
Appropriation from, for Cornell university.....	144	329

Lansingburgh.		
Bonds, water commissioner may issue.....	31	48

Law Libraries.		
Court of appeals, Rochester, appropriation for.....	319	652
Judicial district libraries, appropriation for.....	144	315
Supreme court, Binghamton, act relative to, amended.....	329	658
Supreme court, fifth district, appropriation for.....	302	602
Supreme court, fourth district, appropriation for.....	302	602
Supreme court, second district, appropriation for.....	302	602
Supreme court, sixth district, appropriation for.....	302	602

Law Students.		
Preliminary examinations of, appropriation for conducting.....	144	329

LAWS. See "SESSION LAWS."		
----------------------------------	--	--

Laws Repealed. See "REPEALING ACTS."		
---	--	--

Le Couteulx St. Mary's Institution for Improved Instruction of Deaf-Mutes.		
Support and instruction of pupils in, appropriation for.....	144	325

Legacies.		
Act to tax, in certain cases, amended.....	215	409

Legislative Manual.		
Appropriation for.....	144	321

Legislative Printing.		
Appropriation for.....	144	321

Legislature.		
Bills, journals and documents, indexing of, appropriation for.....	144	321
Chaplains of, appropriation for.....	302	592
Clerk's Manual, appropriation for.....	144	321
Committees, expenses of, appropriation for.....	144	321
Contingent expenses, advances for, appropriation for.....	127	233
Contingent expenses, advances for, appropriation for.....	144	321
Croswell's Manual, appropriation for.....	144	331

Legislature — Continued.

	CHAP.	PAGE.
Legislative Manual, appropriation for	144	821
Legislative printing, appropriation for	144	821
Members and officers of, compensation and mileage of	144	321
Officers and employes of, number, salary and compensation of.	67	83
Postage and contingent expenses of, appropriation for	144	821
Powers of, proposed amendment to constitution as to		748
Transportation of documents, etc., of, appropriation for	144	324
Witnesses, compensation of, appropriation for	144	821

See, also, "ASSEMBLY" AND "SENATE."

Letters.

Threatening or annoying, penalty for sending, etc.	120	288
---	-----	-----

Lewis County.

Deer river, a public highway in	384	789
Denmark, damage to certain highway in, repairing of, etc.	205	899
Lowville, highway leading from, to Beache's bridge, repairing of damages to,	240	458

Lewiston.

Niagara County Irrigation and Water Supply Company, charter of	259	488
--	-----	-----

Libraries.

Astor library, charter amended	96	115
Court of appeals, law-books for, appropriation for		
Court of appeals, second division, library for	826	656
Court of appeals, Rochester, appropriation for	319	652
Judicial district libraries, appropriation for	144	815
Judicial district libraries, appropriation for	802	602
Medical library donated to state, acceptance and care of	877	722
Senate, law books and reports for, appropriation for	146	831
Supreme court, Binghamton, act relative to, amended	829	658

See, also, "STATE LIBRARY."

Lien Laws.

Liens for work or materials under municipal contracts, act amended	255	478
--	-----	-----

Lieutenant-Governor.

Salary of, appropriation for	144	813
Supervising commissioner of capitol, appointment of, as	206	400

Life and Limb.

Protection of, act of 1885 for, amended	214	409
---	-----	-----

Life Insurance Companies.

Discrimination against persons of color by, prohibited.	119	238
--	-----	-----

See, also, "INSURANCE."

Literature Fund.

Appropriation to academies from	144	329
---------------------------------------	-----	-----

Little Falls, Town of.

Bridges across Mohawk river in, construction, etc., of	849	692
Commissioners of highways of, certain proceedings of, ratified	849	692

Little Falls, Village of.

Sewerage act amended	53	65
Village charter amended	52	64

Livingston County.

Geneseo, normal and training school at, appropriation for	144	828
Geneseo, normal and training school at, appropriation for	302	599
Geneseo, village charter amended	66	81
Mount Morris, village charter amended	17	80

Loan and Building Associations.

Foreign co-operative, repayment of expenses of banking department by ...	144	817
--	-----	-----

Loeb, Jr., William.

Services of, as stenographer, appropriation for	302	604
---	-----	-----

Logs.

Floating, etc., of, on rivers of state, act regulating, amended	385	739
---	-----	-----

Long Island City.

Boulevard in, improvements of, etc., act amended	229	422
Jackson and Vernon avenues, improvement of, etc., act amended	229	422

Lordville and Equinunk Bridge Company.

Portions of repealing act of 1886 relative to, repealed	153	338
---	-----	-----

Lowville.

Highway leading from, to Beache's bridge, repairing of damages to	240	458
---	-----	-----

Lumber.

Floating, etc., of, on rivers of state, act regulating, amended	386	739
---	-----	-----

Lumberland.

Town meeting, action of, legalized	826	656
--	-----	-----

Lunacy, State Commission in. See "STATE COMMISSION IN LUNACY." CHAP. PAGE.
Lunatics and Lunatic Asylums. See "INSANE AND INSANE ASYLUMS."

Lysander.

Tax for soldiers' monuments, action of electors as to, legalized..... 187 371

M

Madison County.

Canastota, loan commissioners, compensation of..... 190 376
 Cazenovia, loan commissioners, compensation of..... 190 376
 County clerk, office of, salaried, and management of, regulated..... 64 77
 Fenner, loan commissioners, compensation of..... 190 376
 St. Patrick's Church, Chittenango, relief of..... 97 115
 Sheriff, office of, salaried, and management of, regulated..... 29 45

Malone.

Northern New York Institution for Deaf-Mutes at, appropriation for..... 144 325
 Northern New York Institution for Deaf-Mutes at, appropriation for..... 302 602

Marine Insurance Companies.

Taxation of, act amended..... 218 411

See, also, "INSURANCE COMPANIES."

Masonic Hall Association, City of Buffalo.

Charter amended..... 6 21

Matteawan.

Asylum for Insane Criminals at, appropriation for..... 302 597

Maynard, Forster J.

Act releasing land in Oyster Bay to, repealed..... 368 713

Mayville.

Village charter amended..... 313 642

Mechanics.

Liens of, for work, etc., on public works under municipal contracts..... 255 478

Mechanics and Traders' Exchange, City of New York.

Charter amended..... 162 345

Mechanicville.

Village charter revised..... 106 244

Medical Examiners, State Boards of.

Establishment of, etc., act amended..... 311 640

Medical Students.

Exemption of certain, from board of medical examiners' act..... 311 640

Preliminary examinations of, expenses of conducting, appropriation for.... 144 329

Medina.

West street sewer under canal in, enlargement of, etc..... 298 587

Mentz.

State ditches in, act in relation to.... 262 519

Meteorological Bureau and Weather Service. See "STATE METEOROLOGICAL BUREAU, ETC."

Methodist Episcopal Church Home.

Interest of state in certain property released to..... 86 100

Middletown, City of.

City charter amended.... 122 239

State armory at, appropriation for..... 323 655

State Homœopathic Hospital at, appropriation for..... 91 106

State Homœopathic Hospital at, appropriation for..... 144 326

State Homœopathic Hospital at, appropriation for..... 302 597

Middletown State Homœopathic Hospital.

Buildings for state care of insane at, appropriation for..... 91 106

Improvements at, appropriation for..... 302 597

Officers of, salaries of, appropriation for..... 144 326

Military Code.

Brevet commissions, Code amended as to..... 261 487

Military Record Fund.

Appropriation from..... 144 330

Military Statistics, Bureau of.

Appropriation for.... 144 330

Militia. See "NATIONAL GUARD" and "STATE NAVAL MILITIA."

Minors. See "CHILDREN" and "INFANTS."

Mohawk River.

Channel of, changing of, between Utica and Deerfield..... 93 108

Monroe County.

Adams Basin, culvert under canal at, rebuilding of..... 319 653

Monroe County — Continued.

	CHAP.	PAGE.
Brockport, culverts under canal in, enlargement of.....	238	456
Brockport, normal and training school at, appropriation for.....	144	328
Brockport, normal and training school at, appropriation for.....	302	599
Chili, sewer, drain and ditch in, construction of.....	114	275
Churchville, cemetery of, trustees of.....	304	606
Fairport; village charter amended.....	48	61
Gates, sewer, drain and ditch in, construction of.....	114	275
Insane Asylum, conversion of, into State Hospital.....	335	662
Perinton, conveyance of lands by, to burial-ground association.....	40	53

See, also, "ROCHESTER."

Monuments.

Brooklyn, soldiers and sailors' monument in, completion of.....	353	695
Burnett, Col. Ward B., erection of monument in memory of.....	62	76
Gettysburg, monuments to memory of soldiers at, erection of.....	302	596
Mt. Hope cemetery, Rochester, monument to fire victims in, erection of.....	274	500
New York city, monument in memory of John Ericsson in, erection of.....	251	471
State boundary, replacing, etc., appropriation for.....	302	594

See, also, "GETTYSBURG."

Moravia.

Village charter amended.....	343	670
------------------------------	-----	-----

Mortgage Companies.

Banking department, expenses of, refunded by.....	144	817
---	-----	-----

Mortgages.

Corporations for guaranteeing, act for organization of, amended.....	80	95
Real estate held in trust, mortgaging of.....	209	402
Statements showing amounts due on, act requiring filing of, repealed.....	155	339
Telegraph, electric light or telephone companies, filing of mortgages by.....	171	358
United States deposit fund, interest on mortgages held by commissioners of.....	181	364

Mount Morris.

Boundaries of village, charter amended as to.....	17	80
---	----	----

Museum of Natural History.

See "STATE MUSEUM."

N

Names of Corporations.

General act authorizing change of, amended.....	38	53
---	----	----

Names of Corporations Changed by Legislature.

Trustees of Madison Forks Obituary Society to Earlville Cemetery Association.....	386	740
United Life and Accident Insurance Association to United Life Insurance Association.....	44	57

Names of Persons Changed by Courts.

New Name.	Old Name.	
Ames, Howard.....	Oppenheim, Howard Ames.....	753
Astor, John Jacob.....	Armstrong, John Jacob Astor.....	756
Backus, John Henry.....	Backhaus, John Henry.....	756
Beckwith, Clara Lippitt.....	Oppenheim, Clara Lippitt.....	755
Beckwith, Louis M.....	Oppenheim, Louis M.....	755
Braslan, Abel.....	Braslavsky, Abel.....	754
Brissel, Samuel.....	Brigelsky, Samuel.....	754
Burgess, Neilson.....	Knell, James W.....	754
Castell, George Oliver.....	Silberstein, George Oliver.....	756
Castell, Jacques.....	Silberstein, Jacques.....	756
Cone, Charles Arthur.....	Cohn, Charles Arthur.....	756
Cone, Frederick Hanover.....	Cohn, Frederick Hanover.....	756
Connell, Herbert Stanley.....	Connell, Herbert Rich.....	752
de Figueroa, Leon Hernandez.....	Hernandez, Leon.....	755
Dormer, Henry.....	Dornitzer, Henry.....	756
du Bois, Mabel.....	Skinner, Mabel.....	751
du Bois, Mabel Bartram.....	Skinner, Mabel Bartram.....	751
du Bois, William Maison.....	Skinner, Jr., William M.....	751
Farman, Elbert Henry.....	Farman, Elbert Eli.....	757
Forrester, John Franklin.....	Fitzgerald, John H.....	756
Fyles, Charles E.....	File, Charles E.....	754
Fyles, Franklin.....	File, Franklin.....	754
Fyles, Franklin E.....	File, Franklin E.....	754

Names of Persons Changed by Courts—Continued.

CHAP. PAGE.

New Name.	Old Name.	
Fyles, Florence	File, Florence	754
Fyles, Sarah E.	File, Sarah E.	754
Gardner, Joseph Bernard	Gartenlaub, Joseph Bernhard	754
Gordon, David	Grodinsky, David	754
Gretsch, Mark	Rose, John	754
Grey, David S.	Granbert, David S.	755
Haar, Charles	Reynolds, Alfred Joseph	753
Henning, John	Backe, John Henning Carlson	755
Henri, Dagobert	Dombrowsky, Moritz Heinrich	754
Hirsch, Fanny	Myers, Fanny	754
Hirsch, Myer	Myers, Hirsch	754
Hirsch, Otto	Myers, Otto	752
Hirsch, Samuel	Heshinowitz, Samuel	753
Jakobson, Max	Jakobovitsch, Max	753
Kallis, Isadore Sidney	Kaliski, Isidore	756
Karash, Adolph H.	Karashinsky, Adolph H.	756
Keith, Benjamin F.	Shakes, Andrew Paul, 2d.	756
Kelly, John Redding	Kelly, James J.	754
Knapp, Ada L.	Littlehale, Ada L.	753
Kojan, August Wilson	Kojanowski, August Wilson	752
Kojan, Charles Leonard	Kojanowski, Charles Leonard	752
Kojan, Edward	Kojanowski, Edward	752
Kojan, Henry	Kojanowski, Henry	752
Koles, Edward	Kolasky, Emanuel	753
Koles, Eli	Kolasky, Eli	753
Koles, Samuel Morse	Kolasky, Samuel Morse	753
Lampman, William N.	Skinkle, William L.	753
Lauteren, Clement Heidelberger	Heidelberger, Clement	753
Lavy, Zely	Levy, Zelig	755
Leon, Joseph Arthur	Rosenzweig, Joseph	756
Léve, Gustave	Löwy, Sigmar	755
Lewis, Louis	Labishinsky, Louis	756
Lish, Ignatius H.	Lishenewsky, Ignatius H.	755
Luckmann, Adolph	Luckmann, August	754
McNamara, Daniel	Mack, Daniel	752
Monnet, Cæsar August	Krantz, Cæsar August	755
Morris, Albert	Moses, Albert	752
Morris, Andrew Jackson	Moses, Andrew Jackson	752
Morris, Arthur	Moses, Arthur	752
Morris, Ethel	Moses, Ethel	752
Morris, Martha	Moses, Martha	752
Morris, Mary H.	Moses, Mary H.	752
Morris, Wilbur	Moses, Wilbur	752
Morris, Willis Holley	Moses, Willis Holley	752
Mundy, Charlotte Louisa	Kelley, Charlotte Louisa	752
Palmer, Raphael D.	Pilwisky, Raphael D.	754
Plant, Ellen	Derin, Ellen	751
Plunkett, William	Pluntky, William	754
Porges, Bertha	Simelles, Bertha	755
Randell, George	Rosensky, George	756
Rennes, Marie Louise	Fouqué, Marie Louise	756
Roseman, Charles Henry	Rozelawski, Charles Henry	752
Ryder, William Washburn	Washburn, William	751
Salter, Emma	Sypher, Emma	752
Schuber, Christoph A.	Amerschuber, Christoph	753
Segrell, Joseph E.	Schlepegrell, Joseph E.	752
Scott, Charles Alfred	Clements, Charles Alfred	752
Seymour, Walter	Smith, Charles Walter	757
Smith, Lewis Wendell	Wilson, Lewis Wendell	757
Solow, Julius	Soloweitschyk, Julius	754
Starlight, Emanuel	Sternlicht, Emanuel	753
Starlight, Marks	Sternlicht, Marcus	754
Starr, Jasper Paul	Chase, James Starr	753
Stythe, John Randolph	Rieger, Stephen	754
Starr, Hattie E.	Chase, Hattie E.	753
Upton, Emily B.	Beardsley, Emily B.	755
Weatherwax, Frances Ham	Ham, Frances	757

Names of Persons Changed by Courts — Continued.

CHAP. PAGE.

New Name	Old Name.		
Weber, Katherina	Lenz, Katherina		753
White, William	Wietrziowski, William		752
Wigand, Cecilia L.	Hubbe, Cecilia L.		755
Wilberforce, Richard.....	Petch, Richard.		755
Williams, Frank	Naudi, Giuseppe		756
Winters, Samuel	Winternitz, Samuel.....		756
Wisn, Samuel D.....	Wisansky, Samuel D.....		755

National Guard.

Brevet commissions, Military Code amended as to.....	261	487
Expenses of, appropriation for.....	144	322
Pensions for members of, appropriation for.....	302	594
Rifle range for, act of 1890 providing for, amended.....	11	26
State camp, repairs and improvements at.....	302	594
Twenty-fourth separate company, replacing arms, etc., of.....	324	656

See, also, "ARMORIES."

Naval Militia.

Act establishing, amended.....	243	460
--------------------------------	-----	-----

Negotiable Instruments.

Given for speculative consideration for farm products, execution, etc., of..	262	488
--	-----	-----

Newark.

Custodial Asylum for Feeble-Minded Women at, appropriation for.....	144	326
Custodial Asylum for Feeble-Minded Women at, appropriation for.....	302	597

Newburgh.

Lands for government building in, acquisition of, by U. S.....	103	119
Supreme court law library at, appropriation for.....	302	602
Washington's headquarters at, appropriation for.....	144	328

New Capitol.

Commissioner of, salary of, appropriation for.....	144	321
Supervising commissioners of, appointment of, etc.....	206	400
Work upon, continuance of, appropriation for.....	206	399

See, also, "PUBLIC BUILDINGS" and "CAPITOL."

New Paltz.

Normal and training school at, appropriation for.....	144	328
Normal and training school at, relative to.....	54	65
School district number one in, relative to.....	54	65

New Rochelle.

Police justice act amended.....	280	423
Prisoners in, custody, maintenance and transportation of.....	280	426

Newspapers.

Publication of session laws in, in Kings county	141	311
Selection of, for publication of lists of nominations to office.....	296	574
Troy, designation of official newspapers of, etc., legalized.....	225	416

Newtown.

Arrears of taxes, act in relation to certain, amended... ..	280	515
Fire department of, charter amended.....	283	520

Newton Creek.

Draw-bridge over, construction of, act amended.....	290	567
---	-----	-----

New Utrecht.

Bensonhurst park, establishment, etc., of, act amended.....	361	703
Lighting streets and places in, improvement act amended as to.....	59	73

New York and Brooklyn Bridge.

Foot-path upon bridge may be made free.....	382	601
Terminal facilities, improvement of.....	128	293
Terminal facilities, improvement of, act amended.....	248	466

New York and New England Agricultural Society.

Annual appropriation for distribution by.....	354	696
---	-----	-----

New York Botanical Garden.

Charter of.....	285	523
-----------------	-----	-----

New York City and County.

American institute, appropriation for	144	320
American Museum of Natural History, free instruction by....	43	57
Astor library, trustees of, act incorporating, amended.....	96	115
Babies' hospital, annual appropriation for... ..	888	741
Board of education, lectures for workmen and women, duty of, as to....	71	86

New York City and County — Continued.

	CHAP.	PAGE.
Board of education, removal, etc., of remains in old burying ground by....	137	308
Board of electrical control, contracts for division of work, may enter into....	351	437
Board of electrical control, services and expenses of, appropriation for.....	302	603
Board of electrical control, term of office of, extended, etc.....	333	733
Board of estimate, etc., babies' hospital, to appropriate money for.....	333	741
Board of estimate, etc., claim of A. J. Dittenhoefer, audit of, by.....	273	500
Board of estimate, etc., claim of Elliot Sanford, audit of, by.....	273	500
Board of estimate, etc., claim of S. P. Dinsmore & Co., audit of, by.....	291	563
Board of estimate, etc., monument to Col. Burnett, to provide for.....	63	76
Board of estimate, etc., monument to John Ericsson, appropriation for, by.....	251	471
Board of estimate, etc., police matrons, etc., to appropriate money for.....	90	105
Board of estimate, etc., salary of late J. R. Brady, payment of, to widow....	168	351
Board of estimate, etc., warden of grand jury, to fix salary of.....	352	695
Board of port wardens, act relative to, amended.....	142	312
Board of port wardens, appropriation for.....	302	603
Botanical Garden, charter of.....	285	523
Boulevard between 156th street and Inwood street, improvement of.....	219	412
Brady, Katharine L., payment of salary of late J. A. Brady to.....	168	351
Bronx park, botanic garden, museum, etc., in, establishment of.....	285	523
Burnett, Col. Ward B., monument in memory of, erection of.....	63	76
Cathedral parkway, establishment of.....	275	501
College of Physicians and Surgeons, union of, with Columbia college.....	101	117
Comptroller, money for bridge improvements, to borrow.....	128	294
Comptroller, school-house bonds, issue of additional, by.....	264	490
Commissioners of quarantine, salaries of, appropriation for.....	144	318
Commissioners of rapid transit, appointment of, etc.....	4	3
Common school teachers in, free instruction for.....	48	57
Consolidation act of 1882, amended:		
Babies' hospital, annual appropriation for, relative to, § 194.....	338	741
District courts, relative to, §§ 1288, 1372.....	378	723
Dock department, permits for moorage of oyster boats, etc., § 799....	359	700
Health department, tenement-houses, requirements as to, § 663.....	39	53
Health department, tenement-houses, requirements as to, § 661.....	204	397
Police pension fund, § 305.....	351	693
Department of docks, water front for fire department, may set apart.....	46	59
Department of docks, permits in certain cases, granting of, by.....	359	700
Department of parks, Cathedral parkway, control of, by.....	275	504
Department of parks, botanical garden and museum, to provide for.....	285	523
Dinsmore & Co., S. P., audit of claim of.....	291	563
District courts, consolidation act amended as to.....	378	723
Dittenhoefer, A. J., claim of, examination and payment of.....	273	500
Electrical subways, work of constructing, etc., contracts for division of....	231	427
Employment agencies, keeping of, act regulating, amended.....	330	659
Ericsson, John, erection of monument in memory of, act amended.....	251	471
Fire department, water front for, may be set apart.....	46	59
Flint, Harriet, state's interest in property of, released.....	86	99
Grand jury in, warden of, appointment of, etc.....	352	695
Health department, consolidation act amended as to.....	39	53
Health department, consolidation act amended as to.....	204	397
House for Incurables, release of interest in property to.....	86	100
House of Refuge, Randall's Island, commitments to, certain, prohibited....	216	410
Institution for Blind, appropriation for.....	86	100
Institution for Blind, release of interest in property to.....	144	324
Institute for Deaf and Dumb, appropriation for.....	144	324
Institution for Improved Instruction of Deaf-Mutes, appropriation for....	144	324
Intelligence offices, keeping of, act regulating, amended.....	330	659
Interpreter of supreme court in, appointment of, etc.....	3	2
Justices' clerks, supreme court, designation of, etc.....	3	2
Lectures for workingmen and workingwomen in, act providing for, amended,	71	86
Marine court, clerk, deputy clerk and assistants of, Code amended.....	154	333
Mechanics and Traders' Exchange, charter amended.....	163	345
Methodist Episcopal Church Home, release of interest in property to.....	86	100
Names changed in, by courts.....	753	
New York and Brooklyn bridge, free foot-path upon.....	332	661
New York and Brooklyn bridge, improvement of terminal facilities of....	128	293
New York and Brooklyn bridge, improvement of terminal facilities of....	248	466
New York Society for Relief of Ruptured and Crippled.....	86	100
Normal college, instruction in natural history, etc., in.....	48	5.

New York City and County — Continued.

	CHAP.	PAGE.
Oyster boats, etc., wharfage and permits for permanent moorage of.....	359	700
Pilot commissioners, expenses of board of, appropriation for.....	144	327
Police matrons in, appointment, appropriations for.....	90	103
Police pension fund, consolidation act amended as to.....	351	693
Port wardens, board of, act relative to, amended.....	142	312
Port wardens, board of, appropriation for.....	302	603
Public place at 110th street and Eighth ave., establishment of, act repealed,	275	504
Rapid transit railways in, act providing for.....	4	8
Sanford, Elliott, claim of, examination and payment of.....	273	500
Schools, additional accommodations for, act amended.....	264	490
Sheltering Arms, release of state's interest in property to.....	86	100
Sheriff, act in relation to office of, amended.....	315	645
Society for Reformation of Juvenile Delinquents, appropriation for.....	144	326
Society for Relief of Destitute Blind, release of interest in property to....	86	100
Supreme court, first district, attendants and interpreter of.....	3	2
Stenographers of surrogate's court in, fees of.....	356	698
Temple Beth-El, release of, from taxes.....	83	98
Tenement-houses, requirements as to, consolidation act amended.....	89	53
Tenement-houses, requirements as to, consolidation act amended.....	204	307
United States Mortgage Company, charter amended.....	27	43
Warden of grand jury in, appointment of, etc.....	352	695
Warden's office of port of New York, act reorganizing, amended.....	142	312
Water front, setting apart of, for fire department.....	46	59
Woman's Hospital in State of New York, release of city lands to.....	249	466
New York Harbor.		
Board of port wardens, appropriation for.....	302	603
Pier line along East river in Brooklyn, establishment of.....	299	588
Warden's office of port of New York, act reorganizing, amended.....	142	312
New York Institution for Blind, New York City.		
Interest of state in certain property released to.....	86	100
Support and instruction of pupils in, appropriation for.....	144	325
New York Institution for Instruction of Deaf and Dumb.		
Support and instruction of pupils in, appropriation for.....	144	324
New York Society for Relief of Ruptured and Crippled.		
Interest of state in certain property released to....	86	100
New York State Agricultural Experiment Station, Geneva.		
See "STATE AGRICULTURAL EXPERIMENT STATION."		
New York State Agricultural Society. See "STATE AGRICULTURAL SOCIETY."		
New York State Dairy Commissioner. See "DAIRY COMMISSIONER."		
New York State Dairymen's Association.		
Dairy agriculture, appropriation for promotion of, expended by.....	222	414
New York State Institution for Blind, Batavia. See "BLIND."		
New York State Reformatory. See "STATE REFORMATORY."		
New York State Soldiers and Sailors' Home.		
Appropriation for.....	144	324
Appropriation for.....	302	599
Niagara County.		
Irrigation and Water Supply Company, charter of.....	259	483
North Tonawanda, bridge over canal and creek at, construction of.....	82	97
Whirlpool Bridge Company, charter of.....	189	373
Niagara County Irrigation and Water Supply Company.		
Charter of.....	259	483
Niagara Falls.		
Power Company, act concerning, and amending charter of.....	253	472
State reservation at, appropriation for.....	144	327
Niagara Falls Power Company.		
Act concerning, and amending charter of.....	253	472
Niagara Reservation.		
Bonds, redemption of, appropriation for.....	302	592
Expenses of, appropriation for.....	144	327
Improvements at, appropriation for.....	302	596
Secretary of, salary, appropriation for.....	144	327
Nichols and Loomis.		
Claim of, against the state, board of claims to hear.....	337	666
Normal College of City of New York.		
Natural history, etc., instruction of, in.....	43	57

Normal and Training Schools.

	CHAP.	PAGE.
Albany, appropriation for	144	328
Albany, appropriation for	302	600
Albany, appropriation for	339	666
Brockport, appropriation for	144	328
Brockport, appropriation for	302	599
Buffalo, appropriation for	144	328
Buffalo, appropriation for	302	600
Cortland, appropriation for	109	271
Cortland, appropriation for	144	328
Cortland, appropriation for	301	591
Fredonia, appropriation for	144	328
Geneseo, appropriation for	144	328
Geneseo, appropriation for	302	599
Indian youths, support and education of, in, appropriation for	302	600
Natural history, etc., instruction in, continued	43	57
New Paltz, act relative to, and school district number one	54	65
New Paltz, appropriation for	144	328
Oneonta, appropriation for	144	328
Oswego, appropriation for	144	328
Plattsburgh, appropriation for	144	328
Plattsburgh, appropriation for	302	599
Potsdam, appropriation for	144	328
North Elba.		
Lands in, released to Benton Turner	202	396
Northern New York Institution for Deaf-Mutes, Malone.		
Building, etc., for industrial education of pupils at, appropriation for	302	602
Support and instruction of pupils in, appropriation for	144	325
North Tonawanda.		
Bridge over canal and creek at Main street, construction of	82	97
Notes. See "PROMISSORY NOTES."		
Notices, Official.		
Publication of, appropriation for	144	321

O

Ogdensburg.		
St. Lawrence State Hospital at, appropriation for	144	327
St. Lawrence State Hospital at, appropriation for	302	598
Oleomargarine.		
Use of, as food for guests, boarders, etc., prohibited	140	310
Oneida County.		
Mohawk river between Utica and Deerfield in, change of channel of	93	108
Reservoir in Black river above Forestport, clearing of flow ground of	342	669
See, also, "ROME" and "UTICA."		
Oneonta.		
State normal and training school at, appropriation for	144	328
Village charter amended	381	660
Onondaga County.		
Indian reservation in, highways and bridges on, repairs of	302	600
Lysander, action of electors of, in relation to certain tax, legalized	187	371
Van Buren, action of electors of, in relation to certain tax, legalized	187	371
See, also, "SYRACUSE."		
Onondaga Indians.		
Agent of, on Allegany and Cattaraugus reservations, compensation of	144	322
Agent of, compensation for	144	322
Annuities to, appropriation for	144	322
Relief of, appropriation for	144	322
Reservation of, highways and bridges on, repairs of, appropriation for	302	600
Onondaga Salt Springs Reservation.		
Clerks, etc., appropriation for	144	322
Expenses of, appropriation for	144	322
Sale and disposition of, proposed amendment to constitution as to		749
Superintendent, salary of, appropriation for	144	322
Ontario County.		
Geneva, Agricultural Experiment Station at, appropriation for	144	320
Geneva, Agricultural Experiment Station at, appropriation for	302	608
Geneva, village charter amended	233	438

	CHAP.	PAGE.
Orange County.		
Goshen, bonds for certain purposes, issue of	19	36
Goshen, overseer of poor, compensation of	35	50
Middletown, city charter amended	122	289
Middletown State Hospital, appropriation for	91	106
Middletown State Hospital, appropriation for	144	326
Middletown State Hospital, appropriation for	302	597
Newburgh, lands for U. S. government building in, acquisition of, etc.	108	119
Walkill, overseer of poor, compensation of	35	50
Warwick, water supply act amended	227	417
Warwick, village charter amended	228	420
Washington's head-quarters, Newburgh, appropriation for	144	323
Orderlies and Watchmen of Public Buildings.		
Qualifications for	144	319
Services of, appropriation for payment of	144	319
Services of, appropriation for payment of	302	601
Orleans County.		
Holley, culvert under old canal at, etc., repairing of	221	418
Medina, West street sewer under canal, enlargement, etc., of	298	587
Orphans and Orphan Asylums.		
Orphan House and Industrial School of Holy Saviour, Cooperstown	340	667
Thomas Asylum for Orphan and Destitute Indian Children	144	326
Thomas Asylum for Orphan and Destitute Indian Children	302	598
Oswego Canal.		
Canal wall in Oswego, rebuilding of portions of	226	417
See, also, "CANALS."		
Oswego, City of.		
Canal wall in, rebuilding of portions of	226	417
City charter amended	135	305
Fire department, charter amended	363	707
State normal and training school at, appropriation for ..	144	328
Oswego County.		
Bonds for floating indebtedness, supervisors may issue	33	49
Otsego County.		
Oneonta, normal and training school at, appropriation for	144	328
Oneonta, village charter amended	331	660
Overseers of Highways.		
Gravel for highway purposes, acquisition of, by	309	638
See, also, "HIGHWAYS."		
Overseers of Poor.		
Goshen, compensation of	35	50
Walkill, compensation of	35	50
See also, "POOR."		
Oyster Bay.		
Lands in, act releasing certain to F. J. Maynard, repealed	363	718
Oyster Protector.		
Assistant, salary of, appropriation for	144	328
Salary of, appropriation for	144	323
Traveling and incidental expenses, appropriation for	144	323
Oysters. See "SHELL FISH."		
P		
Parks.		
Bensonhurst park, in New Utrecht, establishment of, act amended	361	703
Bronx park, New York city, botanic garden, etc., establishment of	285	523
Brooklyn, land for public parks, acquisition of, etc.	246	463
Buffalo, park bonds, issue of	370	714
Hornellsville, public park for	303	634
Rochester, park boulevards, construction, etc., of	317	649
Partition of Real Property.		
Distribution of unclaimed proceeds of sale in actions of	365	709
Presumption of death of unknown heirs in actions of	364	709
Paupers.		
Alien paupers, removal of, appropriation for	144	327
Alien paupers, removal of, appropriation for	302	592
State paupers, support of, appropriation for	144	327
See, also, "POOR."		

	CHAP.	PAGE.
Peekskill.		
State camp near, appropriation for.....	302	594
Peekskill Iron Molders' Association.		
Charter amended.....	266	492
Pelham.		
City Island bridge, act relative to, amended.....	60	75
Penal Code, Amended.		
Disorderly conduct on public conveyances, relating to, § 675.....	827	657
Farm or highway railroad crossings, obstruction of, § 421.....	358	699
Letters, etc., threatening or annoying, sending, etc., of, § 559.....	120	288
Locomotive engineers, duties of, § 421.....	358	699
Penitentiaries.		
Convicts in, maintenance of certain, appropriation for.....	144	321
Tramps, expense during imprisonment of, in, payment of.....	115	283
Transportation of convicts to, appropriation for.....	144	321
Perinton.		
Conveyance of land to Perinton Centre Burial-Ground Association.....	40	55
Personal Property.		
Exemption of, from execution, Code amended.....	112	274
Taxation of, passed by will or intestate laws.....	215	409
See, also, "PROPERTY."		
Phoenicia.		
Bridge across Esopus creek at, payment for.....	297	587
Physicians and Surgeons.		
Boards of medical examiners, act establishing, amended.....	311	640
Deceased patients, disclosing of professional information as to, by.....	381	736
State medical library, borrowing of books from, by.....	377	722
See, also, "MEDICAL STUDENTS."		
Piers and Bulkheads.		
Brooklyn, establishment of, along East river, in.....	290	588
See, also, "DOCKS."		
Pilot Commissioners.		
Board of, expenses of, appropriation for.....	144	327
Plattsburgh.		
Normal and training school at, appropriation for.....	144	328
Normal and training school at, appropriation for.....	302	599
Police Boards and Departments.		
Albany, station-house in, erection of.....	151	335
New York city, police pension fund, charter amended as to.....	351	693
Schenectady, police, act establishing, amended.....	199	397
Police Justices.		
Brooklyn, additional justices, apportionment, etc., of.....	295	571
Police Matrons.		
Act providing for, in certain cities, amended.....	90	103
Political Conventions.		
Nomination of candidates for public offices by.....	296	573
Poll Clerks.		
Albany county, payment of.....	63	77
Appointment of, election law amended.....	7	23
See, also, "ELECTION LAWS."		
Poor and Poor-Houses.		
Alien paupers, removal of, appropriation for.....	144	327
Alien paupers, removal of, appropriation for.....	302	592
Insane, removal of, to state hospitals, appropriation for.....	302	599
Insane, state care of, appropriation to carry out act as to.....	91	106
Kings county, farm and buildings for poor, act amended.....	371	715
Poor-houses, change of sites of, etc.....	5	19
State paupers, support of, appropriation for.....	144	327
See, also, "OVERSEERS OF POOR."		
Poor Persons.		
Leave to prosecute as, Code amended.....	170	352
Portchester.		
Receiver of taxes, etc., act for election of, amended.....	324	439
Port of New York.		
Board of port wardens of, appropriation for.....	302	603
Brooklyn, pier line along East river in, establishment of.....	299	588
Wardens' office, act reorganizing, amended.....	143	312

	CHAP.	PAGE.
Postage.		
Public offices, appropriation for.....	144	318
Public offices, appropriation for.....	803	593
Postal Cards.		
Threatening or annoying, penalty for sending, etc.....	120	288
Potsdam.		
State normal and training school at, appropriation for	144	328
Poughkeepsie.		
Hudson River State Hospital at, appropriation for.....	91	106
Hudson River State Hospital at, appropriation for.....	144	326
Hudson River State Hospital at, appropriation for.....	802	598
Real estate owned by, sale and conveyance of certain.....	258	432
Poughkeepsie Bridge Company.		
Charter amended as to path for foot passengers, etc.....	198	386
Presbyterian Churches.		
United Presbyterian Church of Andes, acts of, confirmed.....	244	460
Printing and Binding.		
Legislative appropriation for.....	144	321
Railroad reports, appropriation for.....	144	317
Railroad reports, appropriation for.....	803	595
School laws, appropriation for.....	802	595
School registers, appropriation for.....	144	326
School trustees' reports, appropriation for.....	144	328
Promissory Notes.		
Given for speculative consideration for farm products, execution of, etc....	202	488
Property.		
Appraisal of, in certain cases.....	84	50
Exemption of, from execution, Code amended.....	112	274
Taxation of, passed by will or intestate laws.....	215	409
Public Administrator.		
Repayment of moneys paid into the treasury by, appropriation for.....	803	598
Public Buildings, State.		
Care and maintenance of, appropriation for	144	319
Care and maintenance of, appropriation for.....	802	601
Orderlies and watchmen, qualifications for.....	144	319
Orderlies and watchmen, services of, appropriation for.....	144	319
Orderlies and watchmen, services of, appropriation for.....	802	608
Senate house, Kingston, salary of keepers, appropriation for.....	144	328
Superintendent of, salary of, appropriation for.....	144	319
See, also, "CAPITOL."		
Public Instruction.		
Department of, salaries and expenses of, appropriation for.	144	317
See, also, "SUPERINTENDENT OF, ETC.," and "SCHOOLS."		
Public Officers.		
State officers, personal expenses of, at Albany, payment of, prohibited.....	144	330
Public Offices.		
Books, etc., of, transportation of, appropriation for.....	144	324
Candidates for, nomination of.....	296	572
Postage and stationery for, appropriation for.....	144	318
Postage and stationery for, appropriation for.....	802	598
Public Printing.		
Appropriation for	144	321
See, also, "PRINTING."		
Public Works.		
Liens for work and materials on, under municipal contracts	255	478
See "SUPERINTENDENT OF PUBLIC WORKS."		
Queens County.		
Flushing, village charter amended.....	110	271
Newtown, arrears of taxes in, act in relation to certain, amended.....	280	515
Newtown, fire department of, charter amended.....	288	520
Newtown creek, draw-bridge over, construction of.....	290	567
Oyster Bay, lands in, act releasing, to F. J. Maynard, repealed.....	868	713
Shore inspector, salary and expenses of, payment of.....	144	328
See, also, "LONG ISLAND CITY."		
Quarantine Commissioners		
Salaries of, appropriation for.....	144	318

R

Racing Associations.

	CHAP.	PAGE.
--	-------	-------

Moneys paid into treasury by, appropriated.....	166	348
Railroad Commissioners, State Board of.		
Change of gauge of railroads, etc., consent of, for.....	267	492
Elevated railways in cities, approval of abandonment of routes of, by.....	294	571
Railroad tunnels, lighting and ventilation of, may compel.....	360	701
Reports of, printing and binding, appropriation for.....	144	317
Reports of, printing and binding, appropriation for.....	302	595
Salaries and expenses of, and refunding of.....	144	317

Railroads.

Change of gauge, and increase of indebtedness therefor.....	267	492
Consolidation of, general law amended as to.....	362	706
Elevated railways in cities, routes of, abandonment of portions of.....	294	570
Farm or highway crossings, obstruction of, penalty for.....	358	699
Fences and cattle-guards along lines of, act amended.....	367	712
General railroad law amended.....	362	706
General railroad law amended.....	367	712
Herkimer, Newport and Poland Narrow Gauge Ry. Co.....	78	94
Rapid transit railways, in cities over one million, general act for.....	4	3
State railroad commissioners, repayment of expenses of, by.....	144	317
State railroad commissioners, repayment of expenses of, by.....	302	595
Street companies, corporate existence and powers of certain, continued.....	287	555
Tunnels, lighting and ventilation of.....	360	701
Watervliet Turnpike and Railroad Company, relative to.....	293	570
Wellsville, Coudersport and Pine Creek Railroad Co.....	37	52

Randall's Island. See "SOCIETY FOR REFORMATION OF JUVENILE DELINQUENTS."**Rapid Transit Railways.**

Act providing for, in cities over one million.....	4	3
--	---	---

Real Estate or Property.

Appraisal of, in certain cases.....	84	50
Bonds and mortgages affecting, filing of statements as to, act repealed.....	155	339
Claims to, actions to compel determination of, Code amended.....	210	403
Corporations for guaranteeing titles to, general act for, amended.....	80	95
Mortgage or sale of, by trustees, Revised Statutes amended.....	209	402
Partition of distribution of unclaimed proceeds in actions of.....	364	709
Partition of, presumption of death of unknown heirs in actions of.....	364	709
Referees' fees for sale of, Code amended.....	182	299
Taxation of, passed by will or intestate laws.....	215	409
Volunteer firemen's associations, exemption of real estate of, from taxes.....	164	346

See, also, "LANDS."

Receivers.

Estates in hands of, appraisal of.....	84	50
--	----	----

Red Men, Improved Order of.

Tribes of, enabled to hold and convey property.....	65	79
---	----	----

Referees.

Fees of, upon sale of real property, Code amended.....	182	299
--	-----	-----

Reformatories.

State Industrial School, appropriation for.....	320	653
State Industrial School, appropriation for.....	144	326
State Industrial School, relative to.....	216	410
State Industrial School, relative to.....	375	719
State Reformatory, appropriation for.....	144	322
State Reformatory, confinement of certain delinquents in.....	375	719

See, also, "HOUSES OF REFUGE."

Regents of University.

Academic departments of union schools, appropriation for.....	144	319
Academies, dividends to, appropriation for.....	144	329
Assistant secretary, salary of, appropriation for.....	144	319
College of Physicians and Surgeons, may accept surrender of charter of.....	101	118
Education extension of opportunities for, by.....	303	606
Examinations, establishing and conducting, appropriation for.....	144	329
Law students, preliminary examinations of, by, appropriation for.....	144	329
Medical library, acceptance and care of, by.....	377	723
Medical students, exemption of certain, from medical act.....	311	640
Medical students, preliminary examinations of, by, appropriation for.....	144	329
Office assistants, etc., salaries of, appropriation for.....	144	319

Regents of University — Continued.

	CHAP.	PAGE.
Office expenses, appropriation for.....	144	819
Postage and stationery, appropriation for.....	144	819
Secretary, salary of, appropriation for.....	144	819
State library, appropriation for.....	144	819
State museum, appropriation for.....	144	820
Traveling expenses of regents, officers, etc., appropriation for.....	144	819

Registry of Voters.

General act for, amended.....	386	664
-------------------------------	-----	-----

Releases.

Of interest of state in lands and property to.....		
Charitable institutions in New York city, certain.....	86	99
Maynard, Forster J.....	368	718
Turner, Benton.....	202	396

Religious Societies.

Associate Reformed Church of Andes, action of trustees of, etc., legalized..	244	460
Methodist Episcopal Church Home, New York city, property released to...	86	100
Roman Catholic Church, Warsaw, act for relief of.....	252	472
Roman Catholic Religious Society of Chittenango, relief of.....	97	115
Temple Beth El, New York city, release of, from taxes.....	83	98

See, also, "CORPORATIONS."

Rensselaer County.

Bath-on-the-Hudson, village charter revised.....	305	608
Greenbush, charter amended.....	104	120
Greenbush, street improvements, bonds and assessments for.....	193	378
Lansingburgh, bonds, issue of, by water commissioners.....	31	48
Names changed in, by courts.....		757

See, also, "TROY."

Rensselaerwyck Rifle Range.

Acquisition of property of, by condemnation.....	11	26
--	----	----

Repealing Acts.

Act and parts of acts, portions of act of 1886 repealing, repealed.....	153	338
Bonds and mortgages, filing of statements of amounts due on.....	155	339
County buildings, changing site of, section of act providing for, repealed..	347	691
Germantown, width of roads in, relation to.....	95	114
Highways, etc., in certain towns, repairs and improvements of.....	192	377
Maynard, Forster J., releasing lands in Oyster Bay, to.....	368	713
Reynolds, Amelia E., act for adjustment of damages suffered by.....	42	56
Suffolk county, fees for highway commissioners, regulating.....	85	99

Revised Statutes, Amended and Repealed.

Canals, regulations, etc., concerning jurisdiction and maintenance of.....	346	690
Infants' estates, relating to.....	172	353
Infants' estates, relating to.....	178	354
Taxation, exemptions from.....	163	346
United States deposit fund, relating to.....	181	364
Uses and trusts relating to.....	206	402

Reynolds, Amelia E.

Damages suffered by, in Buffalo, audit, etc., of, act repealed.....	42	56
---	----	----

Richmond County.

Lands for light-house in, acquisition of, by United States.....	183	366
---	-----	-----

Rifle Range, National Guard.

Act of 1890 providing for, amended.....	11	26
---	----	----

Rivers.

Deer, public highway.....	384	739
East, Brooklyn, pier line along, establishment of.....	299	588
Encroachment of, upon highways, prevention of.....	212	406
Floating of logs, etc., on, act regulating, amended.....	335	739
Grass, floating logs or timber in, act to regulate, amended.....	279	514
Mohawk, change of channel of, at Utica.....	93	108
St. Lawrence, ice gorges in, act to prevent, amended.....	194	381

Roads.

Germantown, width of roads in, act relating to, repealed.....	95	114
Non-resident highway taxes, for construction of, payment of.....	144	323
Repair and improvement of, in certain towns, act repealed.....	192	377

See, also, "HIGHWAYS."

Rochester.

Athenæum, charter amended.....	387	740
Boundaries of city, charter amended.....	184	367

	CHAP.	PAGE.
Rochester — Continued.		
Bridge over canal at Rowe street, removal and erection of.....	138	309
City charter amended.....	184	367
Court of appeals library at, appropriation for.....	319	652
Mount Hope cemetery, monument to fire victims in, erection of.....	274	500
Park boulevards, construction and maintenance of.....	317	649
School buildings, tax for erection of.....	318	652
Sewer, drain and ditch in ninth and fifteenth wards, construction of.....	114	275
State armory at, repairs to, appropriation for.....	147	332
State Industrial School at, appropriation for.....	144	326
State Industrial School at, appropriation for.....	320	653
State Industrial School at, commitments to, certain, prohibited.....	216	410
State Industrial School, relative to.....	375	719
Western New York Institution for Deaf-Mutes at, appropriation for.....	144	325
Rochester Athenæum.		
Charter amended.....	387	740
Rochester State Hospital.		
Appropriation for.....	335	664
Buildings and lands for, purchase of.....	335	662
Establishment of.....	335	662
Roman Catholic Churches.		
St. Patrick's, Chittenango, relief of.....	97	115
Warsaw, act for relief of.....	252	472
Rome.		
Bridge over canal at Depeyster street, sidewalk to, building of.....	241	458
Central New York Institution for Deaf-Mutes at, appropriation for.....	144	325
Old Erie canal at, sale of certain materials for improvement of.....	23	41
Rural Cemetery Associations.		
Incorporation of, general act for, amended.....	382	737
See, also, "CEMETERIES."		
Rye.		
Receiver of taxes, etc., act for election of, amended.....	234	439
S		
Sailors of Late War. See "SOLDIERS AND SAILORS."		
St. Joseph's Institution for Improved Instruction of Deaf-Mutes.		
Support and instruction of pupils in, appropriation for.....	144	325
St. Lawrence County.		
Grass river, floating logs and timber in, act to regulate, amended.....	279	514
Potsdam, normal school at, appropriation for.....	144	328
See, also, "OGDENSBURG."		
St. Lawrence River.		
Ice gorges in, act to prevent, amended.....	194	381
St. Lawrence State Hospital.		
Improvement and completion of buildings at, appropriation for.....	302	593
Officers of, salaries of, appropriation for.....	144	327
St. Mary's Female Hospital, Brooklyn.		
Transfer of corporate powers and property of, act authorizing, amended...	79	95
St. Mary's Maternity and Infants' Home, Brooklyn.		
Bequests, etc., to St. Mary's Female Hospital, may take, etc.....	79	95
St. Regis Indians.		
Annuities to, appropriation for.....	144	322
Attorney of, compensation for.....	144	322
Salt Springs. See "ONONDAGA SALT SPRINGS."		
Sanford, Elliot.		
Claim of, examination and audit of, by board of estimate, New York city..	273	500
Saratoga County.		
Half Moon, inspectors of town elections in, act amended.....	196	385
Mechanicville, village charter, revised.....	106	244
Saratoga Springs, Village of.		
Supreme court law library at, appropriation for.....	302	602
Scaffolding.		
Furnishing of improper, for use of employes, penalty for, etc.....	214	408
Schenectady, City of.		
Bridge over canal in Church street, removal and erection of.....	77	93
Firemen, act to incorporate, amended.....	208	397
Police act amended.....	199	387

Schenectady, City of—Continued.

	CHAP.	PAGE.
Sewers, act for construction of, amended ..	152	337
Water supply act, amended	188	371

Schoharie County.

Cobleskill, village charter amended	287	452
---	-----	-----

School Commissioners.

Salaries of, appropriation for ..	144	328
-----------------------------------	-----	-----

School Districts. See "SCHOOLS."**School Funds.**

Appropriations from	144	328
Appropriations from ..	144	329
Common school fund, amount added to capital of ..	144	329
Common school fund, investment of capital of, appropriation for ..	144	329
Free school fund, appropriations from ..	144	328
Free school fund, appropriation from ..	302	604
Free school fund, state tax for ..	389	742

Schools.

Albany, school buildings, erection of ..	151	334
Brookhaven, school district six, acts of special meeting of, legalized ..	1	1
Brooklyn, school buildings, erection of, etc.	269	497
Buffalo, school lots and buildings, issue of bonds for ..	242	459
Commissioners' certificates, examinations for, appropriation for ..	144	317
Commissioners, salaries of, appropriation for ..	144	328
Common schools, dividends to, appropriation for ..	144	329
Common schools, support of, appropriation for ..	144	328
Hempstead, free school in district one, act establishing, amended ..	348	691
Indian schools, support of, appropriation for ..	144	329
Ithaca, first school commissioner district, excluded from ..	384	662
Natural history, etc., free instruction in, continued ..	48	57
Normal school, Albany, appropriation for ..	339	666
Normal school, Cortland, appropriation for ..	109	271
Normal school, Cortland, appropriation for ..	301	591
Normal school, New Paltz, relative to, and school district number one ..	54	65
Normal schools, Indian youths in, support, etc., of, appropriation for ..	302	600
Normal schools, repairs, etc., of, appropriation for ..	302	599
Normal schools, support and maintenance of, appropriation for ..	144	328
New Paltz, school district number one, relative to ..	54	65
New York city, additional accommodations for, act amended ..	284	490
New York city, lectures for workmen and women in, act amended ..	71	86
Regents' examinations, expenses of, appropriation for ..	144	329
Registers, printing, etc., appropriation for ..	144	328
Rochester, school buildings, tax for ..	318	652
School laws, printing and binding, appropriation for ..	302	595
State school tax, county treasurers' fees for disbursing, appropriation for ..	302	604
State tax for free school fund.	389	742
Teachers' classes in academies and union schools, appropriation for ..	144	329
Teachers' classes in academies and union free schools, appropriation for ..	144	328
Teachers' examinations, expenses of, appropriation for ..	144	317
Teachers' examinations, expenses of, appropriation for ..	144	328
Teachers' institutes, maintenance of, appropriation for ..	144	328
Trustees' reports, printing, etc., appropriation for ..	144	328

Union schools, academic departments of, appropriation for ..	144	319
--	-----	-----

See, also, "ACADEMIES," and "BOARDS OF EDUCATION."

Secretary of State.

Agricultural, etc., societies, certificates of extension of existence of, filed with ..	10	25
Clerks in office of, salaries of, appropriation for ..	144	316
Constitutional amendment, duty of, as to submission of ..	206	574
Corporations for improving breeds of animals, certificates of, filed with ..	213	407
Deputy, salary of, appropriation for ..	144	316
Elevated railways, declaration of abandonment of routes of, filed with ..	294	571
Improved Order of Red Men, certificates of tribes of, filed with ..	65	80
Lands for light-house at Staten Island, survey of, filed with ..	183	366
Messengers in office of, salaries of, appropriation for ..	144	316
Mohawk river improvement at Utica, certificate of, filed with ..	93	112
Office expenses, appropriation for ..	144	316
Postage and stationery for office of, appropriation for ..	144	318
Salary of, appropriation for ..	144	316

	CHAP.	PAGE.
Secretary of State — Continued.		
Session laws, republication of, from 1802 to 1814, inclusive, by	372	717
Surrogates' fees in furnishing certain copies to, appropriation for.....	302	593
Young women's christian associations, certificates of, filed with	167	349
Section Superintendents, Canal.		
Salaries of, appropriation for.....	129	296
Securities.		
Appraisal of, in certain cases.....	34	50
Senate.		
Chamber, furniture, etc., for, appropriation for.....	302	601
Chaplains of, appropriation for.....	302	590
Committee on finance, expenses of, appropriation for certain.....	302	604
Library, law books and reports for, purchase of, appropriation for.....	146	331
Officers and employes of, number, salary and compensation of.....	67	82
Ward island investigation, expenses in, appropriation for.....	302	604
See, also, "CLERK OF SENATE" and "LEGISLATURE."		
Senate-House Property, Kingston.		
Keeper of, salary of, appropriation for.....	144	328
Seneca County.		
Waterloo, village charter amended.....	12	26
Willard State Hospital, appropriation for.....	144	326
Willard State Hospital, appropriation for.....	302	597
Seneca Indians.		
Annuities to, appropriation for.....	144	322
Attorney and counselor, employment of, by, act authorizing, amended	223	414
Attorney of, compensation for.....	144	322
Tonawanda-Senecas, attorney of, compensation for.....	144	322
Session Laws.		
Publication of, in newspapers in Kings county.....	141	311
Republication of, from 1802 to 1814, inclusive.....	372	717
Transportation of, expenses of, appropriation for.....	144	324
Sewers and Sewerage.		
Binghamton, sewer from State Hospital, appropriation for....	333	661
Brooklyn, North Twelfth main sewer, extension of.....	45	58
Brooklyn, twenty-sixth and adjacent wards sewer act amended.....	73	87
Chili, sewer, etc., in, construction of	114	275
Gates, sewer, etc., in, construction of.....	114	275
Gravesend, unused sewer property, sale of certain.....	75	93
Hornellville, sewerage system, construction, etc., of.....	195	331
Little Falls, sewerage act amended.....	53	65
Medina, West street sewer, completion of.....	298	587
Rochester, sewer, etc., in ninth and fifteenth wards, construction of.....	114	275
Schenectady, sewer act, amended.....	152	337
Villages, construction of sewers in, general act for, amended.....	306	633
Villages, construction of sewers in, general act for, amended.....	316	646
See, also, "DRAINAGE."		
Shandaken.		
Bridge across Esopus creek, payment for.....	297	587
Shell Fish.		
Individual shell-fish tracts, expense of mapping and surveying.....	144	323
Sheriffs.		
Columbia county, office of, relative to	268	493
Convicts, transportation of, appropriation for.....	144	321
Erie county, office of, salaried, and management of, regulated.....	108	263
Executions, property of householders exempt from	112	274
Herkimer county, office of, salaried, and management of, regulated.....	47	59
Madison county, office of, salaried, and management of, regulated.....	29	45
New York county, office of, act in relation to, amended.....	315	645
Wayne county, office of, salaried and management of, regulated.....	30	47
Sheltering Arms, New York City.		
Interest of state in certain property released to.....	86	100
Shinnecock Canal.		
Completion of, appropriation for.....	302	600
Shore Inspector.		
Salary and expenses of, appropriation for.....	144	323
Salary and expenses of, how paid.....	144	323
Sing Sing State Prison. See "STATE PRISONS."		
Sinking Fund.		
Canal debt, interest and principal, appropriation for, from.....	49	63

Sinking Fund — Continued.

Surplus moneys of, investment of, in tax, for canal purposes.....	CHAP. 129	PAGE. 297
Tax levy of one-eighth of mill, for contribution to.....	50	68

Society for Reformation of Juvenile Delinquents, New York City.

Appropriation for	144	326
Commitments to house of refuge, certain, prohibited.....	216	410
Inmates of house of refuge, payments to, upon release	144	326

Society for Relief of Destitute Blind, New York City.

Interest of state in certain property released to.....	86	100
--	----	-----

Soldiers and Sailors' Home. See "STATE SOLDIERS AND SAILORS' HOME."

Soldiers and Sailors of Late War.

Armories in Kings county, use of certain, by associations of soldiers.....	186	370
Brooklyn, soldiers and sailors' monument in, completion of.....	358	695
Employment of, as orderlies and watchmen in public state buildings.....	144	319
Memorial tablet on battlefield of Gettysburg, in memory of, erection of.....	302	602
Monuments on battlefield of Gettysburg, in memory of, erection of	302	596

South Valley.

Division of town of.....	41	56
Division of town of.....		744

Speaker of Assembly.

Mileage, etc., of, as commissioner of land office, appropriation for....	144	318
--	-----	-----

Staging.

Furnishing of improper, for use of employes, penalty for, etc.....	214	408
--	-----	-----

State Agency for Discharged Convicts.

Agent, salary of, appropriation for.....	144	321
Maintenance of, appropriation for.....	144	321

State Agricultural Experiment Station, Geneva.

Board of control, expenses of, appropriation for.....	144	320
Fertilizers, enforcement of act as to, appropriation for.....	302	602
Salaries, repairs and expenses of, appropriation for.....	144	320

State Agricultural Society.

American Institute, New York city, distribution to, by.....	144	320
Annual appropriation for distribution by	354	696
County societies, distributions to, by, appropriation for.....	144	330
Farmers' institutes, maintenance of, appropriation for.....	302	602
Racing associations, moneys paid by, appropriated to, for distribution.....	166	348

State Arsenals and Armories. See "ARMORIES."

State Assessors.

Compensation and traveling expenses of, appropriation for.....	144	318
--	-----	-----

State Asylum for Idiots.

Name changed.....	51	64
See, also, "CUSTODIAL ASYLUM" and "SYRACUSE STATE INSTITUTION FOR FEEBLE-MINDED CHILDREN."		

State Asylum for Insane Criminals.

Maintenance and repairs of, appropriation for.....	144	322
New asylum at Matteawan, appropriation for.....	302	597
Resident officers, salaries of, appropriation for.....	144	322
Transportation of inmates of, to Matteawan, appropriation for.....	302	597
Transportation of convicts to, appropriation for.....	144	321

State Board of Charities.

Alien paupers, removal of, appropriation for.....	144	327
Alien paupers, removal of, appropriation for.....	302	592
Clerk hire, office expenses, etc., appropriation for.....	144	327
Postage and stationery for office of, appropriation for.....	144	319
Report of, to legislature, duty of, as to.....	144	327
Secretary of, salary of, appropriation for.....	144	327
State Industrial School, approval of improvements at, by.....	320	658
State paupers, support and care of, appropriation for.....	144	327
Traveling expenses of commissioners and secretary, appropriation for.....	144	327

State Board of Claims. See "BOARD OF CLAIMS."

State Board of Health.

Bureau of vital statistics, completing records of, appropriation for.....	302	596
Food, drug and oil laws, administration of, appropriation for.....	144	324
Maintenance of work of, appropriation for	144	324
Postage and stationery for office of, appropriation for.....	144	319
Secretary of, salary of, appropriation for.....	144	324

State Board of Mediation and Arbitration.

Maintenance and expenses of, appropriation for	302	595
Salaries and expenses of, appropriation for.....	144	327

	CHAP.	PAGE.
State Botanist.		
Salary and expenses of, appropriation for.....	144	320
State Boundary Lines.		
Monuments on, replacing, etc., appropriation for	302	594
State Cabinet of Natural History. See "STATE MUSEUM OF, ETC."		
State Camp.		
Lighting of, by electricity, appropriation for.	302	594
Repairs at, appropriation for.....	302	594
State Commission in Lunacy.		
Postage and stationery for, appropriation for	144	319
Rochester State Hospital, annual report of managers to	335	663
Salaries and expenses of commissioners, appropriation for.....	144	327
State care of insane act, appropriation to carry out	91	106
Work of, estimated deficiency in, appropriation for	302	596
State Custodial Asylum for Feeble-Minded Women.		
Improvements at, appropriation for.....	302	597
Maintenance of, appropriation for	144	326
Repairs at, appropriation for.....	144	326
State Dairy Commissioner. See "DAIRY COMMISSIONER."		
State Engineer and Surveyor.		
Adams Basin, plans for culvert at, to prepare.....	319	653
Clerks in office of, appropriation for	144	316
Clerks in office of, appropriation for.....	302	594
Deputy, salary of, appropriation for	144	316
Engineers on ordinary repairs, salaries and expenses of.....	129	297
Examinations and maps, expenses in making, appropriation for.....	302	594
Moyer creek, plans for restoring and protecting channel of, to prepare.....	113	275
Office expenses, appropriation for.....	144	316
Office expenses, appropriation for.....	302	594
Postage and stationery for office of, appropriation for	144	318
Reservoir on Black river, plans for clearing flow ground, to prepare.....	342	669
Rochester, bridge over canal at Rowe street, plans for, to prepare.....	138	309
Salary of, appropriation for.....	144	316
Schenectady, bridge over Erie canal at, approval of plans for, by.....	77	93
State boundary monuments, expenses of, appropriation for	302	584
Supervising commissioner of capitol, appointment of, as, etc.....	206	400
Surveys and maps for use in cases before board of claims, appropriation for,	302	600
Tonawanda creek and Erie canal, plans for bridge over, to prepare.....	82	97
Traveling expenses of, appropriation for.....	129	296
Utica, bridge over Erie canal at Schuyler street, approval of plans for, by..	69	85
Utica, bridges at Genesee St., plans for, to prepare	341	668
West Troy, bridge over canal at Nineteenth street, plans for, to prepare....	239	457
State Entomologist.		
Official expenses of, appropriation for.....	144	320
Salary of, appropriation for.....	144	320
State Factory Inspectors. See "FACTORY INSPECTORS."		
State Forest Commission. See "FOREST COMMISSION."		
State Game and Fish Protectors.		
Chief protector, office expenses of.....	302	603
Compensation and expenses of.....	144	323
State Homoeopathic Asylum for Insane. See "MIDDLETOWN STATE HOMOEOPATHIC HOSPITAL."		
State Hospitals. See "HOSPITALS."		
State Industrial School, Rochester		
Commitments to, certain, prohibited.....	216	410
Confinement of delinquents, in penitentiary or state reformatory.....	875	719
Improvements at, appropriation for.....	320	653
Maintenance of, appropriation for.....	144	326
State Institution for Blind, Batavia.		
Maintenance of inmates of, appropriation for.....	144	325
State Institutions.		
Deposits in banks by certain.....	302	605
Quarterly accounts by certain, to be rendered to comptroller.....	302	604
Receipts and earnings, quarterly payment of, into treasury.....	302	605
Trustees and officers of, not to be interested in purchases, etc.....	144	330
Trustees and officers of, not to be interested in purchases, etc.....	302	604
State Library.		
Books, serials and binding, appropriation for.....	144	319
Cataloguing and classifying books, appropriation for.....	144	319

INDEX.

811

	CHAP.	PAGE.
State Library — Continued.		
Colonial statutes, sale and distribution of copies of, by trustees of.....	125	292
Duplicate department, appropriation for.....	144	819
Furniture and incidental expenses, appropriation for.....	144	819
Keeper of records, salary of, appropriation for.....	144	819
Keeping library open evenings and holidays, appropriation for.....	144	819
Medical library, donated to state, and board of.....	877	772
Officers and employes, salaries of, appropriation for.....	144	819
State Lunatic Asylum. See "UTICA STATE HOSPITAL."		
State Meteorological Bureau and Weather Service.		
Appropriation for.....	302	602
State Museum.		
Botanist, compensation of, appropriation for.....	144	320
Collection, increase and preservation of, appropriation for.....	144	320
Director, salary and expenses of, appropriation for.....	144	320
Entomologist, salary and expenses of, appropriation for.....	144	320
Scientific staff, salary and expenses of, appropriation for.....	144	320
State Naval Militia.		
Act establishing, amended.....	243	480
State Normal and Training Schools. See "NORMAL SCHOOLS."		
State Officers.		
Personal expenses incurred by, at Albany, payment of, prohibited.....	144	330
State Oyster Protector.		
Assistant, salary of, appropriation for.....	144	323
Salary and expenses of, appropriation for.....	144	323
State Printing. See "PRINTING."		
State Prisons.		
Additional instruction in, appropriation for.....	302	596
Auburn prison, building with solitary cells, appropriation for.....	55	66
Auburn prison, buildings, destroyed by fire, etc., appropriation for.....	55	66
Auburn prison, improvements at, appropriation for.....	302	597
Clinton prison, bath-house, erection of.....	21	39
Clinton prison, buildings, etc., destroyed by fire, rebuilding, etc.....	21	39
Clinton prison, machinery, tools, etc., at, appropriation for.....	302	596
Clinton prison, resident physician at, appropriation for, reimbursing.....	302	596
Clinton prison, temporary buildings at, erection of, appropriation for.....	302	596
Convicts, transportation of, to, appropriation for.....	144	321
Maintenance and support of, appropriation for.....	144	321
Repairs of, appropriation for.....	144	321
Superintendent of, clerk hire and messenger of, appropriation for.....	144	321
Superintendent of, clerk of, traveling expenses of, appropriation for.....	144	321
Superintendent of, postage, stationery, etc., for, appropriation for.....	144	321
Superintendent of, salary of, appropriation for.....	144	321
Superintendent of, traveling expenses of, appropriation for.....	144	321
Water supply of, appropriation for.....	144	321
See, also, "SUPERINTENDENT OF STATE PRISONS."		
State Reformatory, Elmira.		
Delinquents from State Industrial School, confinement of, in.....	375	719
Maintenance and ordinary repairs of, appropriation for.....	144	322
Materials and manufacturing, expenses of, appropriation for.....	144	322
State Reporter.		
Clerk hire and assistance for, appropriation for.....	144	314
Office expenses of, appropriation.....	144	314
Salary of, appropriation for.....	144	314
State Reservation at Niagara. See "NIAGARA RESERVATION."		
State Soldiers and Sailors' Home.		
Improvements at.....	302	599
Maintenance and repairs of, appropriation for.....	144	324
Transportation of applicants to, appropriation for.....	144	324
State Tax.		
Adjusting accounts of, with counties, appropriation for.....	144	324
Canal fund, three one-hundredths of a mill, for work on canals.....	389	742
Canal fund, twenty-two one-hundredths of a mill, for salaries and expenses, 129		206
Collateral inheritances, etc., tax on, in certain cases, act amended.....	215	408
Free school fund, one mill, for maintenance of schools.....	380	742
School tax, county treasurers' fees for disbursing, payment of.....	302	604
Sinking fund, investment of surplus moneys of, in tax.....	129	297
Sinking fund, one-eighth of a mill, for canal debt.....	30	63
State Treasurer. See "TREASURER."		

	CHAP.	PAGE.
Staten Island.		
Lands for light-house near Elm Tree light station, acquisition of, by U. S.	183	366
Stationery for Public Offices.		
Appropriation for	302	593
Appropriation for	144	313
Statutes of State.		
Colonial, republication of	125	292
See, also, "SESSION LAWS."		
Stenographers.		
Fees of, Code amended as to	356	698
Supreme court, compensation of, appropriation for	144	314
Supreme court, compensation of, appropriations for	302	602
Supreme court, second judicial district, appropriation for certain	144	314
Steuben County.		
Bath, Soldiers and Sailors' Home at, appropriation for	144	324
Bath, Soldier's and Sailors' Home at, appropriation for	302	599
Corning, slope wall on canal at, completion of	300	590
Hornellsville, city charter amended	380	724
Hornellsville, public park for	308	634
Hornellsville, sewerage system for, construction of, etc	195	381
Stock.		
Breed of, associations for improving, formation of	213	467
Breed of, improvement of, appropriation for	354	696
Stock Corporations.		
Directors of, increase or reduction of numbers of	57	68
See, also, "CORPORATIONS."		
Streams.		
Encroachment of, upon highways, prevention of	212	406
See, also, "CREEKS," and "RIVERS."		
Streets. See "AVENUES AND STREETS."		
Street Railroads.		
Corporate existence and powers of certain companies, continued	287	553
Suffolk County.		
Brookhaven, special meeting of school district six of, legalized	1	1
Commissioners of highways in, act regulating fee, of, repealed	85	99
County judge, salary of, fixed	355	698
Hempstead, free school in district one of, act establishing, amended	348	691
Islip and Babylon, boundary line between, established		743
Shinnecock and Peconic canal, completion of, appropriation for	302	600
Surrogate, salary of, fixed	355	698
Sullivan County.		
Lumberland, town meeting of, action of, legalized	326	656
Superintendent of Banking Department.		
Books and office expenses, appropriation for	144	317
Clerk hire in office of, appropriation for	144	317
Department expenses, repayment of, by banks, etc.	144	317
Loan and building associations, foreign, expenses under act as to	144	317
Mortgage companies, foreign, expenses under act as to	144	317
Salary of, appropriation for	144	317
Savings banks, dormant accounts in, expenses under act as to	144	317
See, also, "BANKING DEPARTMENT."		
Superintendent of Insurance Department.		
Church Insurance Association, inspection of, by	184	304
Clerks in office of, compensation for	144	318
Department expenses, repayment of, by insurance companies	144	318
Deputy, salary of, appropriation for	144	318
Examinations by, additional appropriation for	144	318
Office expenses, appropriation for	144	318
Salary of, appropriation for	144	318
See, also, "INSURANCE."		
Superintendents of Poor. See "POOR."		
Superintendent of Public Buildings.		
Capitol, court yard of, repair of, appropriation for	302	601
Capitol, furniture, etc., for rooms and departments in, appropriation for	302	601
Capitol, water filters, steam boilers, etc., appropriation for	302	601
Expenses, care, etc., of public buildings, appropriation for	144	319
Expenses, care, etc., of public buildings, appropriation for	302	601

Superintendent of Public Buildings — Continued.

	CHAP.	PAGE.
Orderlies and watchmen, qualifications for.....	144	319
Salary of, appropriation for.....	144	319

See, also, "PUBLIC BUILDINGS."

Superintendent of Public Instruction.

Arbor day, expenses relating to observance of, appropriation for.....	302	595
Clerks in office of, salaries of, appropriation for.....	144	316
College graduates' certificates, printing of, appropriation for.....	144	317
Common schools, dividends to, appropriation for.....	144	329
Common schools, support of, appropriation for.....	144	328
Cornell university examinations, expenses of, appropriation for.....	144	317
Deaf and dumb institutions, approval of certain certificates of, by.....	144	325
Deputy, salary of, appropriation for.....	144	316
Indian schools, support of, appropriation for.....	144	329
Indian youths, support and education of, in normal schools.....	302	600
Natural history, etc., agreement by, for free course of instruction in.....	43	57
New Paltz, school district number one, apportionment of moneys to.....	54	65
Normal school, Albany, appropriation for.....	339	666
Normal school, Cortland, appropriation for.....	109	271
Normal school, Cortland, appropriation for.....	301	591
Normal school, New Paltz, relative to.....	54	60
Normal schools, appropriations for.....	144	328
Normal schools, improvements at, appropriation for.....	302	599
Office expenses, appropriation for.....	144	317
Postage and stationery for office of, appropriation for.....	144	318
Salary of, appropriation for.....	144	316
School commissioners, salaries of, appropriation for.....	144	328
School laws, printing and binding, appropriation for.....	302	595
School registers, printing and binding, appropriation for.....	144	328
Teachers' classes in academies and schools, appropriation for.....	144	328
Teachers' classes in academies and schools, appropriation for.....	144	329
Teachers' examinations, expenses of, appropriation for.....	144	317
Teachers' examinations, expenses of, appropriation for.....	144	328
Teachers' institutes, maintenance of, appropriation for.....	144	328
Traveling expenses, appropriation for.....	144	317
Trustees' reports, printing, etc., appropriation for.....	144	328

See, also, "SCHOOLS."

Superintendent of Public Works.

Adams basin, culvert under canal at, rebuilding of.....	319	652
Agent employed by, in defense of claims against state, appropriation for...	257	492
Bird island pier, improvement of.....	302	600
Black creek, channel of, improvement of.....	272	499
Black river canal, improvement of.....	143	313
Black river, reservoir above Forestport, clearing of flow ground of.....	342	669
Black Rock harbor, dredging of.....	302	600
Bridges, street or road, over canals, construction of, by.....	366	711
Brockport, culverts under canal in, enlargement of.....	238	456
Cattaraugus creek, etc., fishways in dams across, construction of.....	107	268
Cattaraugus Indian reservation, highways on, repairs of.....	302	600
Clarence, drainage in, additional means for.....	272	499
Clerk hire of superintendent and assistants, appropriation for.....	129	296
Corning, slope wall on canal in, completion of.....	300	590
Counsel fee in suit against Valentine Brown, appropriation for.....	302	601
Denmark, highways in, repair and alteration of certain.....	205	399
Glens Falls feeder, walls on, building and repairing.....	271	499
Holley, culvert under old canal at, etc., repairing of.....	221	413
Lowville, highway leading from, repairing of damage to.....	240	458
Medina, West street sewer under canal at, enlargement of, etc.....	298	587
Mentz, state ditches in, remedying overflow of.....	282	519
Mohawk river improvement at Utica, duty of, as to.....	98	112
Moyer creek, restoring and protecting channel of.....	113	274
Office expenses of superintendents and assistants, appropriation for...	129	296
Onondaga Indian reservation, highways and bridges on, repairs of.....	302	600
Oswego, canal wall at, rebuilding of portions of.....	226	417
Rochester, bridge at Rowe street, removal and construction of.....	138	309
Rome, old abandoned canal at, sale of material for improving.....	23	41
Rome, sidewalks to bridge at Depeyster street, building of...	241	458
Salaries of superintendent and assistants, appropriation for.....	129	296

Superintendent of Public Works — Continued.

	CHAP.	PAGE.
Schenectady, bridge at Church street, removal and erection of.....	77	93
Tonawanda creek and Erie canal, construction of.....	82	97
Traveling expenses of superintendent and assistants, appropriation for.....	129	296
Utica, bridge at Genesee street, removal and erection of.....	341	668
Utica, bridge at Schuyler street, removal and erection of.....	69	85
West Troy, bridge at Nineteenth street, construction of.....	289	457

See, also, "CANALS."

Superintendent of State Prisons.

Clerk hire for, appropriation for.....	144	321
Instruction in state prisons, additional, appropriation for.....	302	596
Messenger for, appropriation for.....	144	321
Postage, stationery, etc., for, appropriation for.....	144	321
Salary of, appropriation for.....	144	321
Traveling expenses of superintendent and clerk, appropriation for.....	144	321

See, also, "STATE PRISONS."

Superintendent of Weights and Measures.

Salary of, appropriation for.....	144	318
-----------------------------------	-----	-----

Supervisors and Boards of.

Bonds for funding county debt, may issue.....	289	567
County debt, may provide for funding of, in certain counties.....	289	567
Dogs, taxation of, powers of, as to.....	292	569
Galen, bonds, etc., for certain claims, may issue.....	157	340
Kings county, armories, lease of certain, by, to grand army posts, etc.....	186	370
Kings county, draw-bridge over Newtown creek, construction of, by.....	290	567
Local legislation, act conferring further powers of, upon, amended.....	292	569
Oswego county, bonds for indebtedness, may issue.....	33	49
Perinton; conveyance of cemetery lands by, authorized.....	40	55
Poor-houses, change of sites of, etc., by.....	5	19
Powers, further, conferred upon boards, in certain counties.....	289	567
Queens county, draw-bridge over Newtown creek, construction of, by.....	290	567
Work-houses, establishment of, by boards of supervisors.....	277	512

Supply Bill.

Appropriations for deficiencies.....	302	593
Appropriations for deficiencies, item in act of 1890, amended.....	256	481

Supreme Court.

Attorneys, suspension or removal of, Code amended.....	99	116
Corporations, act authorizing change of name of, amended.....	38	53
First district, attendants and interpreter for, Code amended.....	3	2
General terms, expenses of, appropriation for.....	144	315
Infants' estates, accumulated income, may direct application of.....	173	354
Infants' estates, rents and profits, may direct application of.....	173	353
Justices' clerks, first judicial district, designation, etc., of.....	8	2
Justices of, appropriation for certain.....	302	594
Justices of, salaries and expenses, appropriation for.....	144	314
Justices of second judicial district, additional compensation for certain.....	144	314
Law libraries, appropriation for.....	144	315
Law library, second district, appropriation for.....	302	602
Law library, fourth district, appropriation for.....	302	602
Law library, fifth district, appropriation for.....	302	602
Law library, sixth district, appropriation for.....	302	602
Library at Binghamton, librarian of, act amended.....	329	653
Real estate, mortgage or sale of, by trustees, powers of, as to.....	209	402
Reports of, supplying other states with, appropriation for.....	144	327
Reports of, supplying other states with, appropriation for.....	302	594
Stenographers, in certain districts, deficiency in appropriations for.....	302	603
Stenographers, in judicial districts, compensation for.....	144	315
Stenographers, second judicial districts, compensation for certain.....	144	314

See, also, "COURTS."

Sureties.

Qualification of, Code amended.....	369	713
-------------------------------------	-----	-----

Surgeons. See "PHYSICIANS AND SURGEONS."**Surrogates and Surrogates' Courts.**

Estates of decedents, appraisal of.....	34	50
Estates of infants, Revised Statutes relating to, amended.....	173	353
Estates of infants, Revised Statutes relating to, amended.....	173	354
Executor, etc., of deceased executor, guardian, etc., accounting by.....	175	355
Fees of, for furnishing certain copies to secretary of state, payment for.....	302	593

Surrogates and Surrogates' Courts. — Continued.

	CHAP.	PAGE.
Kings county surrogate's court, fees of stenographer of	856	698
New York county surrogate's court, fees of stenographer of	856	698
Suffolk county, salary of surrogate of, fixed	855	598
Testamentary guardians, judicial settlement of accounts of	197	385
Wills, citation of persons upon petition for probate of, Code amended	174	354

Suspension Bridges.

Whirlpool Bridge Company, charter of	180	873
--	-----	-----

Syracuse.

Annual city tax levy, charter amended as to	876	720
Asylum for Idiots, name changed	51	64
Building districts, and erection and alterations of buildings in	288	556
City charter amended	15	28
City charter amended	288	556
City charter amended	376	720
Election of officers in certain wards in 1891	15	28
Fire marshal, charter amended as to	288	556
Local improvements in, charter amended as to	376	721
State armory at, reappropriation for	76	93
State armory at, reappropriation for	256	481
Supreme court law library at, appropriation for	802	603

Syracuse State Institution for Feeble-Minded Children.

Created by change of name	51	64
Improvements at, appropriation for	802	599
Maintenance of, appropriation for	144	326

T

Taxes.

Collateral inheritances, etc., taxation of, in certain cases, act amended	215	409
Commissioners in certain tax matters, appointment of, by comptroller	211	406
Direct tax levied by congress, return of, by United States		748
Dogs, taxation of	292	569
Fire and marine insurance companies, taxation of, act amended	218	411
Fishkill Landing, tax for village debt	207	401
Fredonia, village taxes, charter amended as to	84	98
Geneseo, special village taxes, charter amended as to	66	81
Legacies, taxation of	215	409
Lysander, soldiers' monument tax, action as to, legalized	187	371
Moneys erroneously paid into treasury for, repayment of	144	324
Newtown, arrears of taxes in, act as to certain, amended	280	515
Non-resident taxes, advances to county treasurers for	144	323
Non-resident taxes, collection of, etc., act relating to, amended	217	411
Non-resident road taxes, payment of, to commissioners	144	323
Portchester, receiver of taxes, act for election of, amended	234	489
Redemption of lands sold for, refunding money paid for	144	329
Redemption of lands sold for, repayment to purchasers	144	324
Rochester, school buildings, tax for	818	653
Rye, receiver of taxes, act for election of, amended	234	489
State school tax, fees of county treasurers for disbursing	802	604
State taxes, accounts with counties, adjusting of, appropriation for	144	324
State tax, for canal fund	50	63
State tax, for canal fund	129	296
State tax, for canal fund	389	742
State tax, for free school fund	889	742
State tax, for sinking fund for canal debt	50	63
Temple Beth-El, New York city, release of, from taxes	83	98
Town fire engines and apparatus, tax for	254	477
Van Buren, soldiers' monument tax, action as to, legalized	187	371
Village, taxes for ordinary expenditures, incorporation act amended	160	344
Volunteer firemen's associations, exemption of property of, from taxation	163	346
Westchester county, sale of lands for non-payment of, act amended	181	298

Teachers.

Examinations of, expenses of, appropriation for	144	317
Examinations of, expenses of, appropriation for	144	328
Instruction of, in academies and schools, appropriation for	144	328
Instruction of, in academies and schools, appropriation for	144	329
Natural history, etc., instruction in, for, continued	48	57

Teachers' Institutes.

Maintenance of, appropriation for	144	328
Natural history, etc., instruction in, continued	48	57

	CHAP.	PAGE.
Telegraph Companies.		
Board of electrical control, New York city, repayment of expenses of, by...	302	603
Mortgages by, filing of as chattel mortgages not necessary.....	171	353
Telephone Companies.		
Board of electrical control, New York city, repayment of expenses of, by...	302	603
Mortgages by, filing of, as chattel mortgages not necessary.....	171	353
Temple Beth-El, New York City.		
Release of, from taxes.....	83	98
Tenement-Houses.		
Brooklyn, charter amended as to.....	270	498
New York city, consolidation act amended as to.....	89	53
New York city, consolidation act amended as to.....	204	397
Thomas Asylum for Orphan and Destitute Indian Children.		
Education and maintenance of children at, appropriation for.....	144	336
Improvements at, appropriation for.....	802	598
Timber.		
Passage of, on rivers of state, act regulating, amended.....	385	739
Title Guarantee Corporations.		
Act for organization of, amended.....	80	95
Tompkins County.		
First school commissioner district, city of Ithaca, excluded from.....	334	662
See, also, "ITHACA."		
Tonawanda.		
Bridge over canal and creek at Delaware street, construction of.....	82	97
Tonawanda Band of Seneca Indians.		
Attorney of, compensation for.....	144	322
Towing Path, Canal.		
Driving horses, etc., on, penalty for.....	346	690
Use of, for passage to and from highways.....	346	690
Town Boards.		
Surplus moneys, expenditure of, by.....	164	346
Town Clerks.		
Ballots, distribution of, by, on election days.....	296	581
Ballots, preparation and furnishing of, by.....	296	587
Town Meetings.		
Inspectors of election, election and appointment of, for.....	7	22
Johnstown, town meeting act of, amended.....	8	23
Lumberland, action of, legalized.....	326	656
Lysander, soldiers' monument tax, action of meeting in voting, legalized....	187	371
Poor-houses, change of sites of, etc., question of, to be submitted at.....	5	20
Van Buren, soldiers' monument tax, action of meeting in voting, legalized,	187	371
Towns.		
Altamont, new town created.....		745
Babylon, boundary line between, and Islip, established.....		743
Binghamton, division of.....		746
Bonds, expenditure of surplus moneys for redeeming.....	164	346
Brookhaven, school meeting in district number six of, legalized.....	1	1
Cazenovia, loan commissioners, compensation of.....	190	376
Chili, sewer, etc., in, construction of.....	114	275
Dickinson, new town created.....		746
Elections, application of ballot reform act, as to.....	296	585
Elko, created by division of town of South Valley.....		744
Fence viewers, drainage differences, submission of, to.....	310	639
Fenner, loan commissioners, compensation of.....	190	376
Fire companies, engines and apparatus for, town law amended as to.....	254	477
Galen, bonds, etc., for certain claims against, issue of.....	157	340
Gates, sewer, etc., in, construction of.....	114	275
Germantown, roads of certain width in, act relating to, repealed.....	95	114
Goshen, overseer of poor act, amended.....	35	50
Gravesend, unused sewer property, sale of certain.....	75	92
Gravesend, Bensonhurst park, establishment of, act amended.....	361	708
Half-Moon, inspectors of town elections in.....	196	385
Hempstead, free school in district one of, act establishing, amended....	348	691
Highways and roads in, repair, etc., of, in certain towns, act repealed....	192	377
Improvements, expenditure of surplus moneys for.....	164	346
Incorporation of portions of, as villages.....	116	284
Inspectors of elections, election and appointment of.....	7	23
Islip, boundary line between, and Babylon, established.....		748
Johnstown, town election act, amended.....	8	23

Towns — Continued.

	CHAP.	PAGE.
Liens for work or materials under contracts with.....	255	478
Little Falls, bridges across Mohawk river in, construction of.....	849	692
Little Falls, commissioner of highways of, proceedings of, legalized.....	849	692
Lumberland, town meeting, action of, legalized.....	826	656
Lysander, action of electors, as to soldiers' monument tax, legalized.....	187	371
Newtown, arrears of taxes in, act as to certain, amended.....	280	515
Newtown, fire department act, amended.....	283	520
New Utrecht, Bensonhurst park, establishment of, act amended.....	361	708
New Utrecht, lighting streets and places in, act amended.....	59	73
Pelham, City Island bridge act amended.....	60	74
Perinton, cemetery lands, conveyance of, authorized.....	40	55
Rye, receiver of taxes, etc., act for election of, amended.....	234	489
Shandaken, bridge across creek in, payment for.....	297	587
South Valley, division of, relative to.....	41	56
South Valley, division of.....		744
Town board, expenditure of surplus moneys by.....	164	846
Town law, amended.....	254	477
Van Buren, action of electors, as to soldiers' monument tax, legalized.....	187	371
Walkill, overseer of poor act, amended.....	85	50
Waverly, division of.....		745

Tramps.

Act concerning, amended.....	115	283
------------------------------	-----	-----

Transportation of Documents.

Appropriation for.....	144	324
------------------------	-----	-----

Treasurer, State.

Clerks and messenger in office of, appropriation for.....	144	316
Deputy, salary of, appropriation for.....	144	316
Office expenses, appropriation for.....	144	316
Postage and stationery for office of, appropriation for.....	144	318
Salary of, appropriation for.....	144	316
United States moneys, designated to receive certain.....	56	67

Troy.

City charter amended.....	200	388
City land, setting aside of certain, for public street.....	130	297
Official newspaper, designation of, and publications in, legalized.....	225	416
Rensselaer street, extension, etc., of, by building a bridge.....	235	439

Trust Companies.

Organization of, general act for, amended.....	374	718
--	-----	-----

Trustees and Association of Madison Forks Obituary Society.

Name changed, etc.....	386	740
------------------------	-----	-----

Trustees and Officers of State Institutions.

Not to be interested in purchases, etc.....	144	330
Not to be interested in purchases, etc.....	302	604

Trustees of Orphan House and Industrial School of Holy Saviour, Cooperstown.

Charter amended.....	340	667
----------------------	-----	-----

Trustees of Public Buildings.

Care and maintenance of buildings in charge of, appropriation for.....	144	319
Care and maintenance of buildings in charge of, appropriation for.....	302	601
Senate-house property, Kingston, salary of keeper of, appropriation for.....	144	328

See, also, "PUBLIC BUILDINGS."

Trustee, Testamentary.

Executor, etc., of deceased trustee, accounting by.....	175	355
---	-----	-----

Trusts.

Revised Statutes amended as to.....	209	402
-------------------------------------	-----	-----

Tunnels.

Railroad tunnels, lighting and ventilation of.....	360	701
--	-----	-----

Turner, Benton.

Lands in North Elba released to.....	202	396
--------------------------------------	-----	-----

Twenty-Fourth Separate Company, National Guard.

Arms, uniforms etc., replacing of, appropriation for.....	324	656
---	-----	-----

U

Ulster County.

Indebtedness of, to towns, issue of bonds for, etc.....	16	29
Kingston, city charter amended.....	20	37
Kingston, city charter amended.....	250	467

	CHAP.	PAGE.
Ulster County — Continued.		
New Paltz, normal and training school at, appropriation for.....	144	328
New Paltz, school district number one, relative to.....	54	65
Shandaken, bridge across Esopus creek in, payment for.....	297	587
Union Ferry Company, Brooklyn.		
Tolls and fares of, increase of, act to prevent.....	873	717
United Life and Accident Insurance Association.		
Name changed and charter amended.....	44	57
United Presbyterian Church of Andes.		
Conveyances by, and corporate acts of, confirmed.....	244	460
United States.		
Direct tax levied by congress of, relative to return of.....		748
Moneys from land grants, payment of, to Cornell university.....	56	67
Newburgh, lands for government building in, acquisition of, by.....	103	119
Staten Island, lands for light-house near Elm Tree light, acquisition of, by.....	183	866
United States Deposit Fund.		
Appropriations from.....	144	329
Bonds and mortgages held by commissioners of, rate of interest on.....	181	364
Commissioners of, compensation of, act amended.....	181	364
Investment of, appropriation for.....	144	329
United States Mortgage Company.		
Charter amended.....	27	43
Universities. See "CORNELL UNIVERSITY."		
University Extension.		
Opportunities for education, extension of, to people.....	303	606
University State of New York.		
Regents' office, appropriation for.....	144	319
State library, appropriation for.....	144	319
State museum, appropriation for.....	144	320
See, also, "REGENTS OF UNIVERSITY."		
Uses and Trusts.		
Revised Statutes amended as to.....	209	402
Utica.		
Boundaries of city, charter amended as to.....	92	107
Bridge over canal at Schuyler street, removal and erection of.....	69	85
City charter amended.....	92	109
City charter amended.....	224	415
Engine-house in twelfth ward, may borrow money for, etc.....	36	51
Gonsec street bridge, removal of, and erection of bridges instead of.....	341	668
Mohawk river at, changing of channel of.....	98	109
Salaries and compensation of officers, charter amended as to.....	224	415
State armory at, erection of.....	345	680
Viaduct over Ballou's creek, money for completion of.....	328	657
Utica State Hospital.		
Buildings for state care of insane at, appropriation for.....	91	106
Improvement at, appropriation for.....	302	596
Officers of, salaries of, appropriation for.....	144	326

V

Van Buren.		
Tax for soldiers' monument, action of electors as to, legalized.....	187	371
Veterans. See "SOLDIERS AND SAILORS."		
Villages.		
Bath-on-the-Hudson, village charter revised.....	305	608
Canastota, loan commissioners of, compensation of.....	190	376
Churchville, cemetery of, trustees of.....	304	606
Claims against, audit of, incorporation act amended.....	160	343
Cobleskill, village charter amended.....	237	452
Contracts for lighting streets, etc., in, incorporation act amended.....	189	310
Cortland, village charter amended.....	94	113
Elections, application of ballot reform act to.....	206	585
Election districts, for village elections, incorporation act amended.....	160	344
Electric lights for streets, etc., contracts with companies for, act amended..	312	641
Fairport, village charter amended.....	48	61
Financial statements, publication of, etc., incorporation act amended.....	160	343
Fishkill Landing, tax for village debt, authorized.....	207	401
Flatbush, Buffalo avenue, improvement of.....	177	357
Flushing, village charter amended.....	110	271

Villages—Continued.

CHAP. PAGE.

Fredonia, village charter amended.....	84	98
Geneseo, village charter amended.....	66	81
Geneva, village charter amended.....	233	438
Goshen, bonds for certain purposes, issue of.....	19	36
Greenbush, street improvements, lands and assessments for.....	193	378
Greenbush, village charter amended.....	104	120
Herkimer, light and water commissioners, board of.....	58	69
Homer, village boundaries of.....	24	41
Incorporation of, act of 1870, amended.....	116	284
Incorporation of, act of 1870, amended.....	139	310
Incorporation of, act of 1870, amended.....	160	342
Johnstown, village charter amended.....	136	306
Lansingburgh, bonds, water commissioners may issue.....	31	48
Liens for work or materials under contracts with.....	255	478
Lighting of streets and public buildings in, contracts for.....	139	310
Little Falls, village charter amended.....	52	64
Little Falls, sewerage act amended.....	53	65
Mayville, village charter amended.....	313	642
Mechanicville, village charter revised.....	106	244
Moravia, village charter amended.....	343	670
Mount Morris, village charter amended.....	17	80
New Rochelle, police justice act amended.....	230	423
Oneonta, village charter amended.....	231	600
Ordinary expenditure taxes, surplus of, application of, act amended.....	160	344
Ordinary expenditure taxes, diversion of, incorporation act amended.....	160	344
Police justices, incorporation act amended.....	160	343
Portchester, receiver of taxes, act for election of, amended.....	234	439
Sewers, construction of, general act for, amended.....	306	633
Sewers, construction of, general act for, amended.....	316	646
Territory requisite for incorporation of.....	116	284
Village treasurer, duties of, etc., incorporation act amended.....	160	344
Warwick, village charter, amended.....	228	420
Warwick, water supply act, amended.....	227	417
West Troy, street paving commission act, amended.....	61	76
Water commissioners, water supply act of 1875, amended as to.....	201	305
Water commissioners, water supply act of 1875, amended as to.....	74	91
Waterloo, village charter, amended.....	12	26

Volunteer Firemen's Associations.

Exemption of property of, from taxation.....	163	346
--	-----	-----

Voters.

Independence of, at public elections, act to promote, amended.....	296	572
Registry of, act revising and consolidating laws as to, amended.....	336	664

See, also, "BALLOT REFORM LAW."

W**Walkill, Town of.**

Overseer of poor, compensation of, act amended.....	35	50
---	----	----

War Claims, Against United States.

Expenses in prosecuting, appropriation for.....	302	594
---	-----	-----

Wardens, Forest.

Salaries and expenses of, appropriation for.....	144	320
--	-----	-----

Wardens' Office of Port of New York.

Act reorganizing, amended.....	143	313
Board of port wardens, appropriation for.....	303	603

Warsaw.

Roman Catholic Church at, relief of.....	253	472
--	-----	-----

Warwick.

Village charter amended.....	227	417
Village charter amended.....	228	420
Water supply act amended.....	227	417

Washington's Head-Quarters, Newburgh.

Trustees of, appropriation for.....	144	328
-------------------------------------	-----	-----

Wasson, John G.

Payment of interest to widows and heirs of, appropriation for.....	302	593
--	-----	-----

Water and Water-Works.

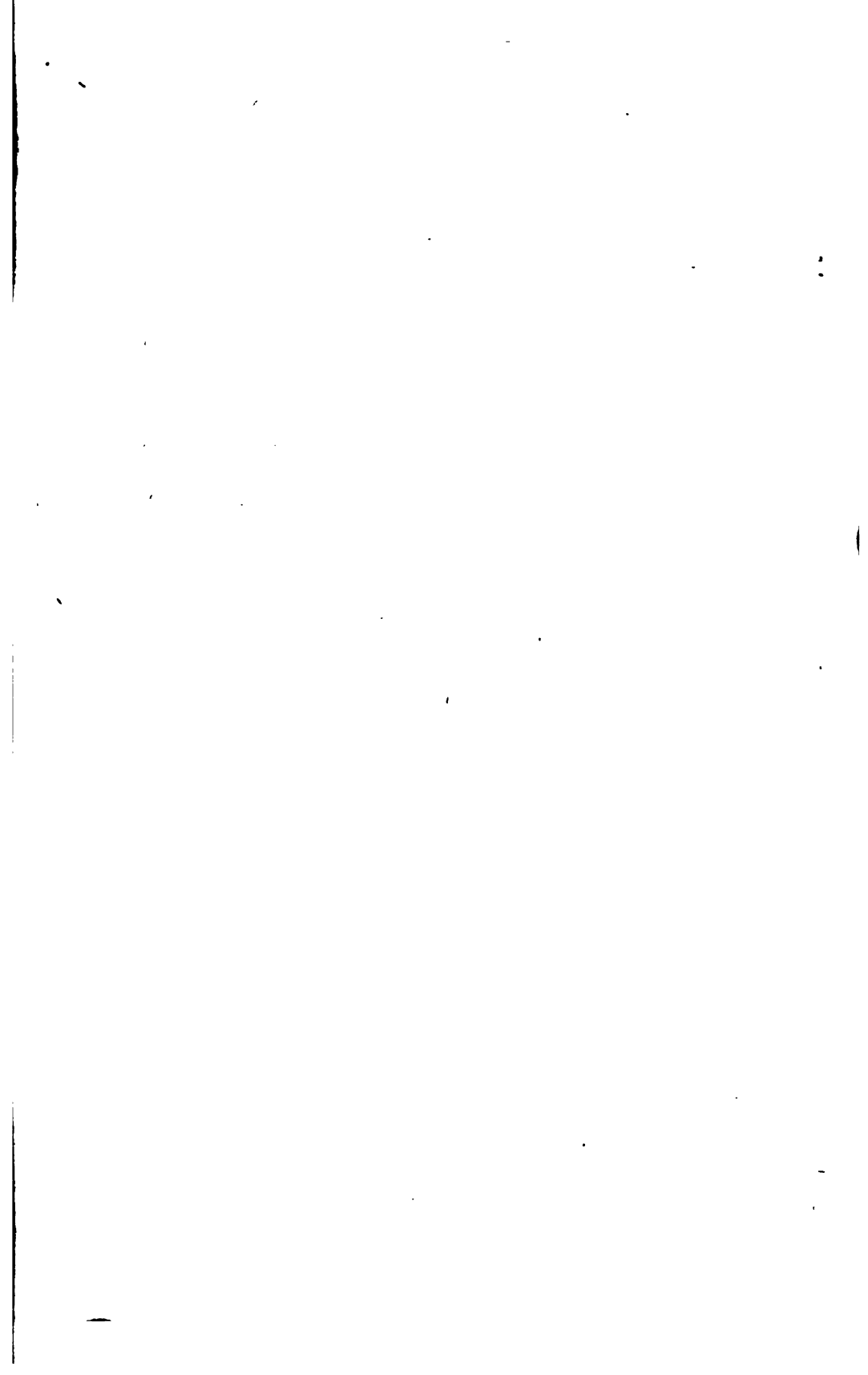
Delhi Water Company, charter amended.....	265	491
Herkimer, water commissioners, board of, established.....	58	68

	CHAP.	PAGE.
Water and Water-Works — Continued.		
Ithaca Water-Works Company charter amended.....	102	118
Lansingburgh, bonds for water indebtedness, issue of.....	81	43
Schenectady, water supply act, amended.....	186	371
Villages, water supply for, act of 1875, amended.....	74	91
Villages, water supply for, act of 1875, amended.....	201	395
Warwick, water supply for, act amended.....	228	420
Waterloo.		
Village elections, charter amended as to.....	12	26
Watertown.		
Agricultural Insurance Company of, charter amended.....	145	331
Board of public works, established.....	180	359
Watervliet Turnpike and Railroad Company.		
Bondholders of, authority to permit certain, to vote at elections.....	293	569
Waverly, Town of.		
Division of.....		745
Wayne County.		
Galen, bonds, etc., for certain claims against, issue of.....	157	340
Newark, Custodial Asylum at, appropriation for.....	144	326
Newark, Custodial Asylum at, appropriation for.....	302	597
Sheriff, office of, salaried, and management of, regulated.....	30	47
Wayne County Agricultural Society.		
Contract for sale of land to Frederick Borok, legalized, etc.....	156	339
Weather Service.		
State Meteorological Bureau and Weather Service, appropriation for.....	302	602
Weights and Measures.		
State superintendent of, salary of, appropriation for.....	144	318
Wellsville, Coudersport and Pine Creek R. R. Co.		
Standard gauge road, acts, etc., in making, legalized.....	87	52
Westchester County.		
Highways, etc., in certain towns, repair, etc., of, act repealed.....	192	377
Kensico cemetery, act for relief of.....	182	365
Names changed in, by courts.....		751
New Rochelle, police justice act amended.....	230	423
Peekskill Iron Molders' Association, charter amended.....	266	492
Pelham, City Island bridge act amended.....	60	74
Portchester, receiver of taxes, etc., act for election of, amended.....	234	439
Taxes, in towns of, collection of, and sale of lands for, act amended.....	131	298
Rye, receiver of taxes, etc., act for election of, amended.....	234	439
See, also, "YONKERS."		
Western New York Agricultural Society.		
Annual appropriation for distribution by.....	345	696
Western New York Institution for Deaf-Mutes, Rochester.		
Support and instruction of pupils in, appropriation for.....	144	325
West Troy.		
Bridge over canal at Nineteenth street, construction of.....	239	457
Street paving commission act amended.....	61	76
Wharves and Piers. See "DOCKS."		
Willard State Hospital.		
Improvement at, appropriation for.....	302	597
Officers of, salaries of, appropriation for.....	144	326
Wills.		
Petition for probate of, citation of persons upon.....	174	354
Witnesses.		
Competency of, Code amended as to.....	381	736
Women's Hospital in State of New York.		
Lands in New York city, release of certain, to.....	249	466
Women.		
Custodial Asylum for Feeble-Minded Women, appropriation for.....	144	326
Custodial Asylum for Feeble-Minded Women, appropriation for.....	302	597
House of Refuge for Women, appropriation for.....	144	327
House of Refuge for Women, appropriation for.....	302	597
Police matrons, act providing for, amended.....	90	103
Young women's christian associations, incorporation of.....	167	349
Wooster, B. W. Furniture Company.		
Appropriation for.....	302	601
Work-Houses.		
Establishment of, by boards of supervisors.....	277	512

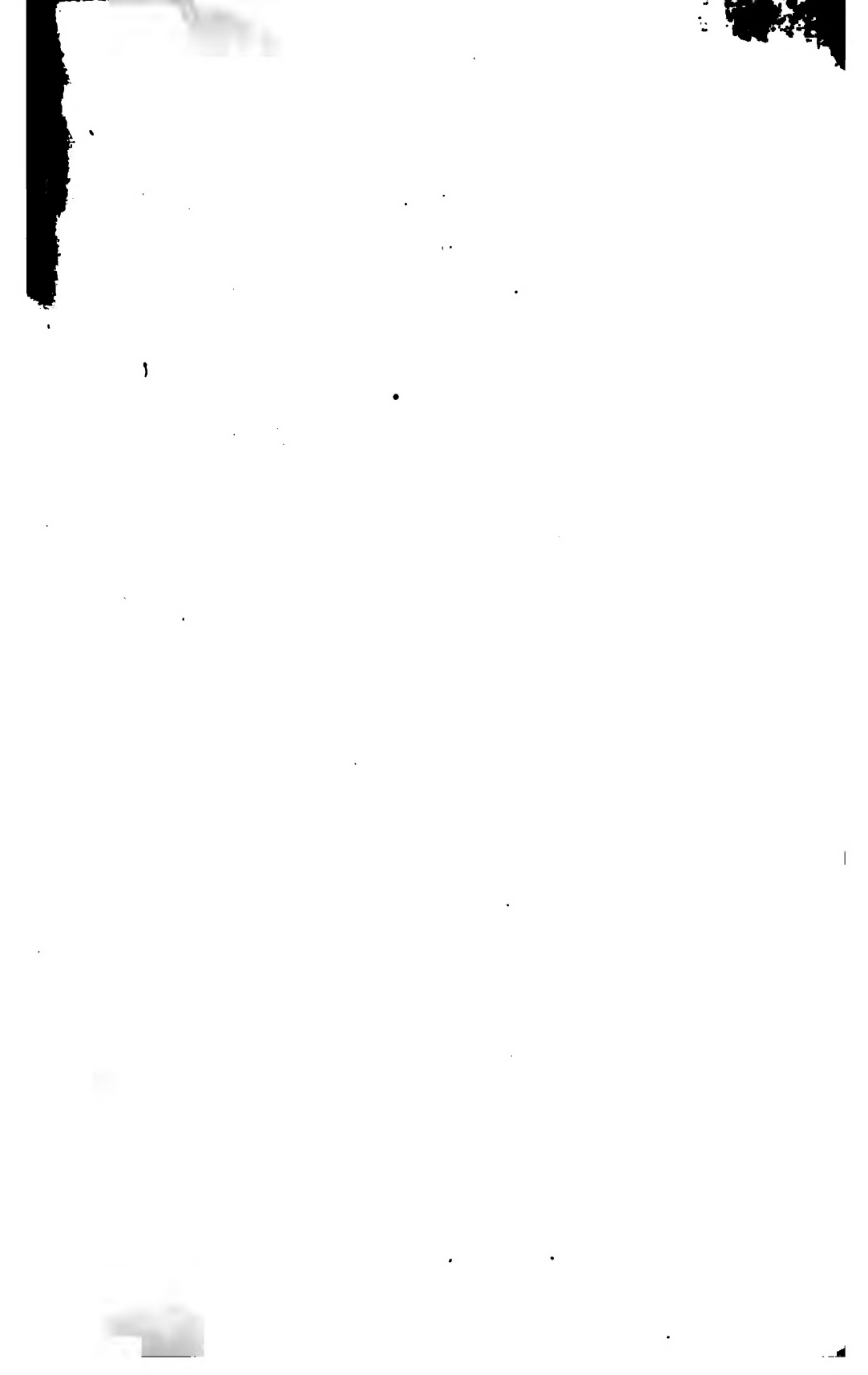
Wyoming County.	CHAP.	PAGE
Names changed in, by courts.....		757
Warsaw, Roman Catholic Church at, relief of.....	252	472

Y

Yonkers.		
Election expenses of, issue of bonds for.....	290	413
Young Women's Christian Associations.		
Incorporation of, general act for.....	167	849







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